



JOURNALS
of the
HOUSE OF BURGESSES
of Virginia
1619--1658 / 59



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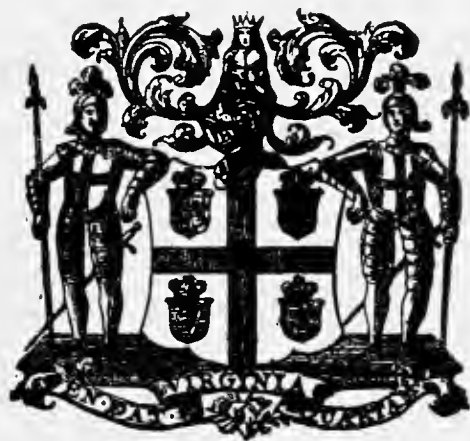


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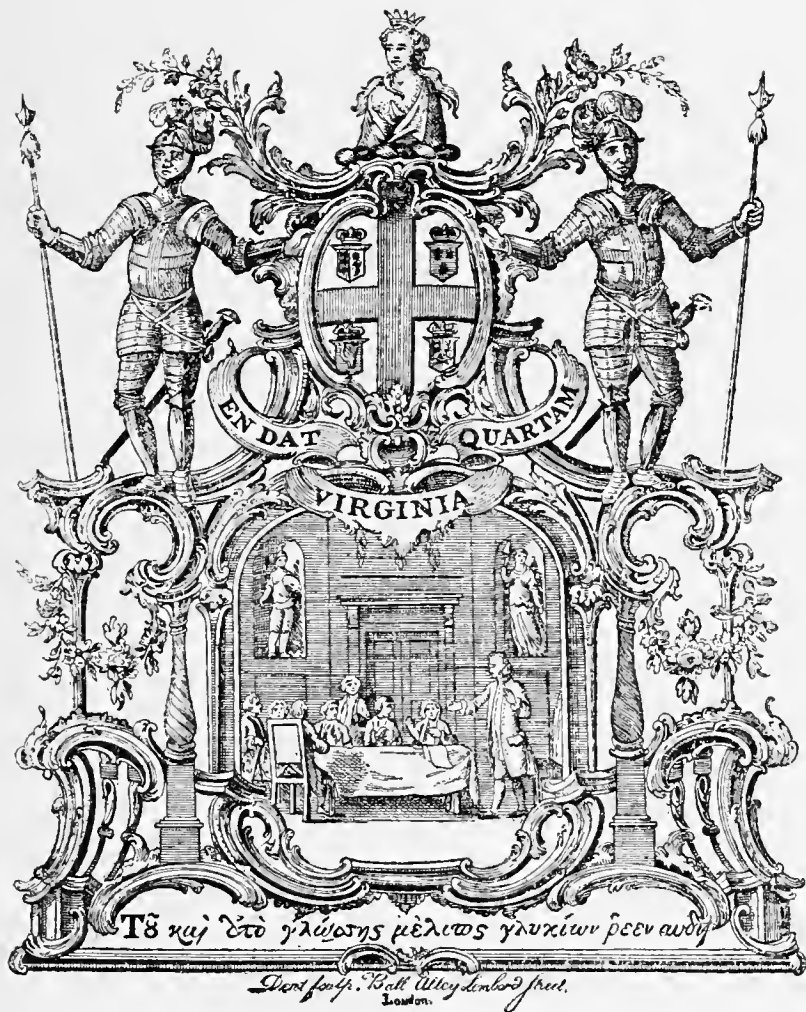
No. 29

JOURNALS
of the
HOUSE *of* BURGESSSES
of
VIRGINIA
1619-1658/59

Edited by
H. R. McILWAINE



RICHMOND, Virginia
MCMXV



Virginia Council Chamber

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Burgeffes for the Affembly of 1619.

[From the Proceedings of the Affembly. The Christian names have been fupplied in feveral cafes from
Alexander Brown's The Firft Republic in America, p. 314.]

| | | | |
|------------------------|---|--------------------------------|------------------------------------|
| Argall's Gift: | Thomas Pawlett Edward Gourgaing | Lawne's Plan- tation: | Chriftopher Lawne Enfign Wafher |
| Charles City: | Samuel Sharpe Samuel Jordan | Martin's | |
| Flowerdieu Hundred: | Edmund Roffing- ham | Brandon's | Thomas Davis Robert Stacy |
| Henricus: | John Jefferfon Thomas Dowfe John Polentine [probably Pollington] | Martin's Hundred: | John Boys John Jackfon |
| James City: | William Powell William Spenfe (Spence) | Captain Warde's Plantation: | John Warde John Gibbes |
| Kiccowtan: | William Tucker William Capp | Smythes Hundred: | Thomas Graves Walter Shelley |

¹ The reprentatives from this plantation were not allowed to ferve.

Burgeffes for the Affembly

of 1623/24.

[From *Alexander Brown's The Firft Republic in America*, pp. 579, 580.]

| | | |
|---|---|---|
| From the Incorporation of Charles City. | { | Neck of Land: Luke Boys |
| | | Thomas Harris |
| | | West & Sherlow Hundred: Ifaac Madifon |
| | | Richard Biggs |
| From the Eastern Shore: | { | Jordan's Journey: Nathaniel Caufey |
| | | Chaplain's Choice: Ifaac Chaplain |
| | | Westover: Samuel Sharpe |
| From the Eastern Shore: | { | John Wilcocks |
| | | Henry Watkins |
| From the Incorporation of Elizabeth City. | { | Elizabeth City: William Tucker |
| | | Nicholas Martian (Martieu, Marlier, etc.) |
| From the Incorporation of Elizabeth City. | { | Elizabeth City beyond Hampton River: Jabez Whitaker |
| | | Raleigh (Rawley) |
| From the Incorporation of Henrico. | { | Crafhaw |
| | | College Plantation: Thomas Morlett |
| From the Incorporation of Henrico. | { | Gabriel Holland |
| | | Jamestown: Wm. Pierce |
| From the Incorporation of Henrico. | { | Clement Dilke |
| | | Richard Stephens |
| From the Incorporation of Henrico. | { | Edw. Blayney (or Blaine) |
| | | John Southerne |
| From the Incorporation of James City. | { | James Ifland: Robert Adams |
| | | The Neck of Land: Richard Kingsmill |
| From the Incorporation of James City. | { | "Ye Plantations over againft James Cityty:" Samuel Matthews |
| | | Edward Grindon |
| From the Incorporation of James City. | { | Hog Ifland: John Utie |
| | | John Chew |
| From the Incorporation of James City. | { | Warraskoyack: John Pollington |
| | | Baffe's Choice: Nathaniel Baffe (or Baffet) |

Members of the Convention of 1625.

[From the *Virginia Magazine of History and Biography*, XV, pp. 362, 363. The first nine names are those of the governor and members of the Council. The list is the same, with a few variations in spelling, as that given on p. 44 of the present volume.]

Sir Francis Wyatt, governor

| | | |
|--------------------|----------------|--------------------|
| Sir Fras. West | | George Sandys |
| Samuel Mathewes | | Abrah Peirfey |
| Roger Smyth | | Ralphe Hamor |
| William Claybourne | | Wm. Tucker |
| Nathaniel Baffe | William Pierce | Francis Epes |
| Thomas Osborne | Will Horwood | Richard Kingefmyll |
| Iffac Chaplyn | Ellis Emerfon | Nathaniel Cauffey |
| Richard Bigges | Edw: Waters | Fra: Chamberlaine |
| John Downeman | John Price | Richard Tailer |
| Edward Blayney | Henry Woodard | Gilbert Peppet |
| F. Barkeley | John Crewe | Clem't Dilke |
| Luke Boys | Hugh Crowder | |

Burgeffes for the Affembly of 1627/28.

[See p. 51 of this volume.]

| | | |
|------------------|-------------------|-------------------|
| Nathaniel Baffe | William Harwood | John Smyth |
| Edward Bennett | John Jackfon | Maximillian Stone |
| Thomas Burgis | Thomas Jorden | Robert Sweete |
| John Burland | Michell Marfhart | Richard Taylor |
| John Chewe | Thomas Osborne | John Uty |
| Edward Crinden | Thomas Pawlett | Edw. Waters |
| William Englifhe | William Perry | John West |
| Francis Epes | William Popleton | Thomas Weston |
| Thomas ffareley | Walter Price | Thomas Willoby |
| John Harris | Humphrey Raffhell | Percivall Wood |
| Thomas Harwood | | |

Burgeffes for the Affsembly of 1629.

[From *Stanard's Colonial Virginia Register*, pp. 54, 55.]

- The Plantation at the College: Thomas Osborne
Matthew Edlowe
- The Neck of Land: Samuel Sharp
- Shirley Hundred Island: Cheney Boyfe
John Browne
- Shirley Hundred Main: Thomas Palmer
John Harris
- M^r Henry Throckmorton's Plantation: William Allen
- Jordan's Journey: William Popkton [Popleton]
- Chaplaine's Choice: Walter Price
- Weftover: Chriftopher Woodward
- Flowerdieu Hundred: Anthony Pagett
- James City: George Menefie
Richard Kingfmell
- Pace's Paines: William Perry
John Smyth
- The Other Side of the Water: John Weft
[Robert] Fellgate
- Pafbehay: Thomas Bagwell
- The Neck of Land: Richard Brewfter
- Archer's Hope: Theodore Moyfe
Thomas Doe
- The Plantations between Archer's Hope and Martin's Hundred: John Utie
Richard Townfend
- Hogg Island: John Chew
Richard Tree
- Martin's Hundred: Thomas Kingfton
Thomas Fawcett
- Mulberry Island: Thomas Harwood
Phettiplace Claufe
- Warwick River: Chriftopher Stokes
Thomas Ceely
Thomas Flint
Zachary Cripps
- Warrofquoyacke: Nathaniell Baffe
Richard Bennett
Robert Savin
Thomas Jordan
- Nuttmeegg Quarter: William Cole
William Bentley
- Elizabeth City: George Thompfon
William Englifh
Adam Thoroughgood
Lionel Rowlfon
John Browning
John Downman
- Eaftern Shore: No burgeffes appeared.

Burgeffes for the Affembly

of 1629/30.

[From *Stanard's Colonial Virginia Register*, pp. 55, 56.]

The Plantations of the College and Neck of Land: Thomas Osborne
Thomas Farmer

Shirley Hundred Main: Thomas Palmer
John Harris

Shirley Hundred Island: Cheney Boyfe
Walter Afton

Jordan's Journey and Chaplaine's Choice: Walter Price
Flowerdieu Hundred: John Flood

Westover: None appeared.

Weyanoke: John Trahorne

Pace's Paines and Smythe's Mount: William Perry

Pafbehay: Bridges Freeman

James City Island: John Southerne
Robert Barrington

The Other Side of the Water: John Weft
Robert Felgate

Hogg Island: John Utie

The Neck of Land in the Corporation of James City: Richard Brewfter

Archer's Hope and Glebe Land: Theodore Moyfes
Henry Coney

Harrap, and the Plantations between Archer's Hope and Martin's Hundred:

John Browning
Thomas Farley

Martin's Hundred: Robert Scotchmore
Thomas Foffett

Mulberry Island: Thomas Harwood
Anthony Barham

Warwick River: Thomas Flint
John Brewer

Denby: Thomas Ceely
Christopher Stokes
Thomas Key

Nutmeg Quarter: Joseph Stratton

Warrofqueake: John Upton
John Atkins
Robert Savin
Thomas Burges

The Upper Part of Elizabeth City: Thomas Willoughby
William Kempe
Thomas Hayrick

The Lower Part of Elizabeth City: Thomas Purifoy
Adam Thoroughgood
Lancelot Barnes

Accomac: Thomas Graves
Edmund Scarborough
Obedience Robins
Henry Bagwell

Burgeffes for the Assembly

of 1631/2.

[From *Stanard's Colonial Virginia Register*, pp. 56, 57.]

Arrowhattocks, Neck of Land, and Curles: Captain Thomas Osborne
Both Shirley Hundreds, M^r Farrar's and Chaplains: Francis Epes
Walter Afton
Weftover, Flowerdieu Hundred, and Weyanoke: John Flood
Captain Perry's downwards to Hogg Island: Captain William Perry
Richard Richards
James City: John Southerne
Thomas Crampe [Crump]
Archer's Hope: Thomas Farley
Percival Wood
Kethe's Creek to Mulberry Island and Saxon's Goal: Thomas Harwood
Thomas Flint
Warwick River: Thomas Seely
Thomas Ramfhawe
Water's Creek and the Upper Parifh of Elizabeth City: Thomas Willoughby
The Lower Parifh of Elizabeth City: George Downes
Warrofqueake: Thomas Jordan
Accomac: Edmund Scarborough
John Howe
Kiskyacke and the Isle of Kent: Nicholas Martian

Burgeffes for the Affsembly of 1632.

[From *Stanard's Colonial Virginia Register*, pp. 57, 58.]

Arrowhattocks, Neck of Land, and Curles: Thomas Osborne

Shirley Hundred Main and Cawfey's Care: Walter Afton

Shirley Hundred Island: Cheney Boyfe

Westover and Flowerdieu Hundred: John Flood

Weyanoke: Richard Coxe

Chickahominy: Bridges Freeman

Smythe's Mount and Perry's Point: John Smythe

James City Island: John Jackson

Paſbehay: John Corker

The Neck of Land: Thomas Crump

Glebe Land and Archer's Hope: Roger Webfter

Henry Coney

Over the Water againſt James City: Richard Richards

Hogg Island: Richard Tree

Mounts Bay: John Browning

John Wareham

Martin's Hundred: Robert Scotchmore

Percival Wood

Mulberry Island: Thomas Harwood

Thomas Bennett

Stanley Hundred: Thomas Barnett

Thomas Flint

Denbigh and to Waters Creek: Pettiplace Clause

Warroſqueake: Thomas Jordan

William Hutchifon

From Waters Creek to Marie's Mount: Joſeph Stratton

John Powell

The Upper Pariſh of Elizabeth City: Thomas Willoughby

Henry Seawell

John Sipey

The Lower Pariſh of Elizabeth City: Adam Thoroughgood

William Englifh

George Downes

Kiskyacke: Nicholas Martian

Yorke: Lyonel Rowlfon

Accomac: Thomas Graves

John Howe

Henry Bagwell

Charles Harmer

Burgeffes for the Assembly

of 1632/3-1633.

[From *Stanard's Colonial Virginia Register*, pp. 58, 59.]

Arrowhattocks, Henrico Neck of Land, and Curles: Thomas Osborne
Shirley Hundred Main and Cawfey's Care: Walter Afton
Shirley Hundred Island: Rice Hooe
Westover and Flowerdieu Hundred: Thomas Pawlett
Weyanoke: William Emerfon
James City, Chickahominy, and Pafbehay: John Corker
Neck of Land: Thomas Crump
Archer's Hope and Glebe Land: Henry Coney
Smythe's Mount, the Other Side of the Water and Hogg Island: Thomas Grindon
Harrop and to Martin's Hundred: Richard Brewfster
John Wareham
Martin's Hundred: David Mansfield
Robert Scotchmore
Mulberry Island: Thomas Harwood
William Spencer
Stanley Hundred: Zachary Cripps
Roger Dilke
Denbigh: Thomas Flint
Thomas Hawkins
Worrofqueake: John Upton
Robert Savin
Nutmeg Quarter: Francis Hough
The Upper Parts of Elizabeth City: Thomas Sheppard
John Sipley
The Lower Parts of Elizabeth City: William Englifh
John Arundel
Accomac: Edmund Scarborough
John Howe
Roger Saunders
John Wilkinfon
Kiskyacke: Nicholas Martian
Yorke: Lyonel Rowlfon

Burgeffes for the Affembly

of 1639/40.

[From *Stanard's Colonial Virginia Register*, pp. 60, 61.]

Henrico: Thomas Harris

Chriftopher Branch

Edward Tonfhall [Tunftall]

Charles City: Francis Eppes

Thomas Pawlett

Edward Hill

Jofeph Johnfon

James City:

Chickahominy Parifh or the Upper Chippokes and Smiths Fork:

Lower Chippokes, Hogg Ifland, Lawn Creek:

Martin's Hundred to Kethe's Creek: Thomas [Kingfton, or Fawcett]

Farloes' Neck to Waroues' Ponds: Richard [Richards]¹

Johnfon's Neck, Archer's Hope, and the Neck of Land: David [Mansfield, or Manfell]

Warwick River: Thomas [Flint]

Thomas [Harwood]

Thomas [Ceely]

Zachary Crip.

Charles River: William _____

Hugh Gwyn

Peregrine Bland

Upper Norfolk: Randall Crew

John Gookin

Triftam Norfworthy

Lower Norfolk: John Sibfey

John Hill

Ifle of Wight: John Upton

Anthony Jones

John Moone

James Tuke

Elizabeth City: Thomas Oldis

M^r Strafferton

Accomac: Obedience Robins

John Neale

¹ Inferted by the editor of this volume.

Burgeffes for the Affsembly

of 1641/42-42.

[From *Stanard's Colonial Virginia Register*, p. 61.]

| | | | |
|----------------|--------------------|-----------------|-----------------------|
| James City: | Robert Hutchinſon | Warwick River: | Thomas Barnett |
| | Francis Fowler | | William Whittbey |
| | John White | Iſle of Wight: | John Upton |
| | Thomas Hill | | Joſeph Salmon |
| | Richard Richards | | George Harddie |
| | Ferdinand Franklin | Upper Norfolk: | Daniel Coogan |
| | Jeremie Clement | | [Gookin] |
| | Thomas Follis | | John Carter |
| | William Butler | Lower Norfolk: | John Shipſie [Sibſie] |
| Henrico: | John Baugh | | John Hill |
| | Francis Fulford | Elizabeth City: | John Branch |
| Charles City: | Walter Afton | | Flo. Payne |
| | Joſeph Johnſon | Accomac: | John Wilkins |
| | Walter Chiles | | John Neale |
| Charles River: | Richard Townfend | | |
| | George Ludlowe | | |
| | George Worleigh | | |

The names given above are thoſe of the members of the Affsembly preſent at the January 1641/42 ſeſſion. At the April 1642 ſeſſion only twenty-one members were preſent—at leaſt, only twenty-one ſigned the “Declaration againſt the Company to be Entered as the 21ſt Act”—and ten of theſe were not preſent in January. The names follow:

| | |
|-------------------|-----------------|
| Obedience Robins | Nathaniel Gough |
| Benjamin Harrifon | Mathew Chiles |
| Thomas Dewe | William Dacker |
| Edward Hill | Thomas Bernard |
| Thomas Harwood | Edward Windham |

Note.—For the names of thoſe ſigning the Declaration, ſee p. 69. “Fallowes” is taken to be another ſpelling of “Follis.” “Weale” is taken to be an error for “Neale.” See, further, the Preface to this volume.

Burgeffes for the Affsembly

of 1642/43.

[From *Stanard's Colonial Virginia Register*, pp. 62, 63.]

| | | | |
|----------------|-------------------|-----------------|-------------------|
| Henrico: | Matthew Gough | Elizabeth City: | John Branch |
| | Arthur Bayly | | John Hoddin |
| | Daniel Luellin | The Iſle of | Anthony Jones |
| Charles City: | Walter Afton | Wight: | Richard Death |
| | Thomas Stegg | Upper Norfolk: | John Carter |
| | Walter Chiles | | Randall Crew |
| James City: | Robert Hutchinſon | Lower Norfolk: | Cornelius Lloyd |
| | Rowland Sadler | | Edward Windham |
| | Henry Filmer | York: | John Chew |
| | John Fludd | | John Chefman |
| | Stephen Webb | | William Tayler |
| | William Davis | Northampton: | Phillip Tayler |
| Warwick River: | Thomas Flint | | Edmond Scarbrough |
| | Toby Smith | | |

Burgeffes for the Affembly

of 1643/44.

[From the *Virginia Magazine of Hiftory and Biography*, XXIII, pp. 228, 229.]

| | | | |
|--------------------------|---|----------------------------|---|
| James City County: | Robert Hutchinſon Richard Brewfter Stephen Webb Edward Travers Thomas Loven Thomas Warren John Shepard John Jorden | Henrico County: | John Zouch Math Gough Daniel Luellin Edw. Hill ffr. Poyethres John Biſhop John Weſtropp |
| Yorke County: | John Chewe Rowland Burnham Xpofer Calthropp | Charles City County: | Willm. Woolridg John Holden Wm. Roper Edw. Douglaſ |
| Warwick County: | William Whitby John Walker | Elizabeth City County: | Randall Crew Toby Smith |
| Iſle of Wight County: | Peter Hull George Hardy Richard Death | North'ton: Upp. Norff.: | Wm. Roper Edw. Douglaſ Randall Crew Toby Smith |
| | | Lower Norff.: | Cornelius Loyd John Sidney |

Burgeffes for the Affembly

of *October* 1644.

[From *Stanard's Colonial Virginia Register*, pp. 63, 64.]

| | | | |
|-----------------|---|----------------|---|
| James City: | Robert Hutchinſon Stephen Webb Edward Travis Thomas Loveing George Jordan John Shepherd Thomas Warren | Warwick: | Thomas Bernard John Walker Hen. Heyrick |
| York: | John Chew Rowland Burnham X'pher Caultropp | Northampton: | Obedience Robins Edward Douglas |
| Iſle of Wight: | Peter Hull George Hardy Richard Death | Upper Norfolk: | Randall Crew Moore Fauntleroy |
| Lower Norfolk: | Cornelius Loyd John Sidney | Charles City: | Edward Hill, Speaker Francis Poythers [Poythrefs] |
| Elizabeth City: | William Worbrigh [Wooldridge] John Hodin | Henrico: | John Biſhop John Weſtropp Dan. Llewelin Richard Cocke Abra. Wood William Hatcher |

Burgeffes for the Assembly

of 1644/45.

[From *Stanard's Colonial Virginia Register*, p. 64.]

| | | | |
|----------------|----------------------|-----------------|-------------------|
| James City: | Ambrose Harmer | Ifle of Wight: | Arthur Smith |
| | Robert Hutchinon | | George Hardy |
| | William Barrett | Upper Norfolk: | Phillip Bennett |
| | John Corker | | Moore Fauntleroy |
| | Peter Ridley | Elizabeth City: | Leonard Yeo |
| | George Stephens | | X'pher Caulthropp |
| | John Rogers | | Arthur Price |
| Henrico: | John Baugh | Northampton: | Edmon. Scarbrough |
| | Abraham Wood | | Stephen Charlton |
| Charles City: | Edward Hill, Speaker | Lower Norfolk: | Edward Lloyd |
| | Rice Hooe | | Thomas Meares |
| | Francis Poythres | | X'pher Burroughs |
| | Edward Prince | | |
| Warwick River: | Thomas Harwood | | |
| | Thomas Bernard | | |
| | Hen. Heyricke | | |

Burgeffes for the Assembly

of 1645/46.

[From *Stanard's Colonial Virginia Register*, pp. 64, 65.]

| | | | |
|-----------------|-----------------------|----------------------|-------------------------|
| James City: | John Flood | Warwick: | Thomas Bernard |
| | Walter Chiles | | John Walker |
| | Thomas Swan | | Randall Crew |
| | Robert Weatherall | Northampton: | Ed. Scarbrough, Speaker |
| | Ambrose Harmer | | Thos. Johnfon |
| | Thomas Warne | Upper Norfolk: | Phillip Bennett |
| | Peter Ridley | | Edward Major |
| | George Stephens | | Richard Wells |
| York: | X'pher Colthrop | Charles City: | Francis Eps |
| | Rowland Burnham | | Edward Hill |
| | Arthur Price | | Edward Prince |
| Ifle of Wight: | John Upton | | Rice Hooe |
| | George Hardin [Hardy] | | William Barker |
| | John Seward | | Charles Sparrow |
| Lower Norfolk: | Cornelius Lloyd | | Anthony Wyatt |
| | X'pher Burrowes | Henrico: | Abra. Wood |
| Elizabeth City: | Leonard Yeo | | William Hatcher |
| | John Chandler | Northumber- land: | John Matrum |

Burgeffes for the Affembly

of *October, 1646.*

[From *Stanard's Colonial Virginia Register*, pp. 54, 55.]

| | | | |
|-----------------|------------------|----------------|--------------------|
| James City: | Ambrose Harmer | Yorke: | Hugh Gwin |
| | Walter Chiles | | William Luddington |
| | Robert Shepheard | Warwick: | Thomas Taylor |
| | George Jordayne | | Randall Crew |
| | Thomas Lovinge | | John Walker |
| | William Barrett | Lower Norfolk: | Edw. Lloyd |
| Henrico: | Abra. Wood | | Thomas Meares |
| | William Cocke | | Robert Eyres |
| Charles City: | Rice Hooe | Northampton: | Edward Douglas |
| | Dan Lluellen | | Thomas Johnfon |
| Ifle of Wight: | George Fawdowne | Nanfemond: | Edward Major |
| | Ja. Bagnall | | Sam Stoughton |
| Elizabeth City: | John Robbins | | |
| | Hen. Ball | | |

Burgeffes for the Affembly

of *1647/48.*

[From *Stanard's Colonial Virginia Register*, pp. 66, 67.]

| | | | |
|-----------------|------------------|----------------|-------------------|
| James City: | Robert Hutchinon | Warwick: | Thomas Flint |
| | Bridges Freeman | | Randle Crew |
| | Robert Shepheard | Ifle of Wight: | John Upton |
| | George Jorden | | John George |
| | William Davis | Lower Norfolk: | John Sidney |
| | Peter Ridley | | Hen. Woodhoufe |
| Charles City: | Edward Hill | | Cor. Lloyd |
| | Francis Poythers | | Thomas Meeres |
| Elizabeth City: | Anth. Elliot | Northampton: | Ed. Scarbrough |
| | John Chandler | | Stephen Charleton |
| | Hen. Poole | Northumber- | |
| York: | Richard Lee | land: | William Prefley |
| | William Tayler | Henrico: | Thomas Harris |
| | Fra. Morgan | | |
| Upper Norfolk: | Moore Fauntleroy | | |
| | Sam Stoughton | | |
| | Richard Wells | | |

* At the fecond feffion of this Affembly, held in October, 1648, the reprezentatives of Lower Norfolk County were Robert Eyre, or Eyres, and Thomas Lambert. See *Stanard's Colonial Virginia Register*, p. 67.

Burgeffes for the Affembly

of 1649.

[From *Stanard's Colonial Virginia Register*, pp. 67, 68.]

| | | | |
|----------------|-------------------|-----------------|------------------|
| James City: | Walter Chiles | Nanfemond: | Jo. Carter |
| | Thomas Swan | | Toby Smith |
| | William Barret | Elizabeth City: | William Worlich |
| | George Read | | [Wooldridge] |
| | William Whittaker | | Jo. Robbins |
| | John Dunfton | Lower Norfolk: | Bartho. Hoskins |
| Henrico: | William Hatcher | | Thomas Lambert |
| Charles City: | Edward Hill | | John Chandler |
| | Charles Sparrow | Yorke: | Ralph Wormeley |
| Warwick: | Thomas Harwood, | | Rowland Burnham |
| | Speaker | Northumber- | |
| | John Walker | land: | Francis Poythers |
| Ifle of Wight: | George Hardy | | John Truffell |
| | Robert Pitt | | |

Burgeffes for the Affembly

of 1651-1651/52.

[From *Stanard's Colonial Virginia Register*, p. 68.]

| | | | |
|-----------------|----------------------|----------------|---------------------|
| Northumberland: | John Truffell | Lancafter: | Moore Fauntleroy |
| | Thomas Baldrige | | Raleigh Travers |
| | [William] Prefley | Lower Norfolk: | Cornelius Lloyd |
| | [Richard] Lee | | Thomas Lambert |
| | M ^r Speke | | John Martin |
| | Thomas Wilford | | Bartholomew Hoskins |

^r This is more probably Dr. Hy. Lee. See *Encyclopedia of Virginia Biography*, I, p. 276.
The above is, of course, only a very incomplete list.

Burgeffes for the Affembly

of *April-May*, 1652.

[From *Stanard's Colonial Virginia Register*, pp. 68, 69.]

| | | | |
|----------------|---------------------------|-----------------|------------------|
| Henrico: | William Hatcher | Elizabeth City: | Peter Ranfom |
| Charles City: | Edward Hill | | John Sheppard |
| | John Bifhop | Warwick River: | Sam. Mathews |
| James City: | Robert Wetherall | | William Whittbye |
| | John Fludd | York: | Fra. Morgan |
| | Hen. Soane | | Hen. Lee |
| | Da. Manfill | | Auftin Warner |
| | George Stephens | Northampton: | Obedience Robins |
| | William Whittakere | | Edm. Scarbrough |
| Ifle of Wight: | Robert Pitt | | Thomas Johnfon |
| | George Hardie | | Wm. Jones |
| | John George | | Antho. Hoskins |
| | John Moone | Northumberland: | Jno. Mottram |
| Nanfemond: | Thomas Due | | Geo. Fletcher |
| | Ed. Major, Speaker | Gloucefter: | Hugh Gwinne |
| Lower Norfolk: | Cor. Lloyd | | Fra. Willis. |
| | Thomas Lambert | | |
| | Henry Woodhouse | | |
| | Charles [Chris?] Burrowes | | |

Burgeffes for the Affsembly

of *November, 1652.*

[From *Stanard's Colonial Virginia Register*, pp. 69, 70.]

| | | | |
|----------------|-------------------|-----------------|---------------------|
| Henrico: | William Harris | Nansemond: | Thomas Dew, Speaker |
| Charles City: | Hen. Perry | | Peter Montague |
| | Dan. Llewelin | Lower Norfolk: | Cor. Lloyd |
| | Abraham Woode | | Thomas Lambert |
| | Captain Woodliffe | | Charles Burrowes |
| | Charles Sparrow | Elizabeth City: | Peter Ranfome |
| James City: | Robert Wetherall | | Theo. Hone |
| | William Whittaker | York: | Stephen Gill |
| | Abraham Watfon | | William Gouge |
| | Hen. Soane | | X'pher Calthrope |
| Surry: | William Thomas | Gloucefter: | Hugh Gwinne |
| | William Edwards | | Fra. Willis |
| | George Stephens | Northampton: | Colonel Robbins |
| Isle of Wight: | Charles Reynolds | | Stephen Charlton |
| | Samuel Mathews | Lancafter: | Hen. Fleet |
| | Wm. Whittley | | William Underwood |

Burgeffes for the Affsembly

of *1653.*

[From *Stanard's Colonial Virginia Register*, pp. 70, 71.]

| | | | |
|----------------|-------------------|-----------------|-------------------|
| James City: | Walter Chiles | Isle of Wight: | Robert Pitt |
| | William Whittaker | | George Fowden |
| | Hen. Soane | | Daniel Boucher |
| | Abra. Watfon | Northampton: | Thomas Johnfon |
| Surry: | William Butler | | William Mellin |
| | William Edwards | | Stephen Horley |
| Warwick: | Sam. Mathews | Lancafter: | Moore Fauntleroy |
| | William Whittby, | | Thomas Hackett |
| | Speaker | York: | X'pher Calthropp |
| Charles City: | John Bifhopp | | Robert Booth |
| | Anthony Wyatt | | William Hockaday |
| Nansemond: | Thomas Dew | | Fra. Morgan |
| | Edw'd Major | Northumberland: | George Fletcher |
| | Peter Montague | | Walter Broadhurft |
| Lower Norfolk: | Francis Yardly | Henrico: | William Harris |
| | Cornelius Lloyd | Elizabeth City: | John Sheppard |
| Gloucefter: | Abraham Iverfonn | | Thomas Thornbury |
| | Richard Pate | | |

Burgeffes for the Affembly

of 1654-1655.

[From *Stanard's Colonial Virginia Register*, pp. 71, 72.]

| | | | |
|-----------------|----------------------|-----------------|-----------------|
| Charles City: | Edward Hill, Speaker | Lancafter: | John Carter |
| | Henry Perry | | James Bagnall |
| | Abraham Wood | Northampton: | Peter Walker |
| | Stephen Hamlin | | Wm. Waters |
| Elizabeth City: | William Worlich | | Tho. Johnfon |
| | John Sheppard | Nanfemond: | Tho. Dew |
| Gloucefter: | Thomas Breman | | Sam. Stoughton |
| | Wingfield Webb | | Tho. Godwin |
| Henrico: | Richard Cock | Northumberland: | John Truffell |
| James City: | Thomas Dipnall | Surry: | Wm. Batt |
| | Abraham Watfon | | James Mafon |
| | William Whitaker | Warwick: | Sam. Matthewes |
| | Henry Soane | | William Whitbye |
| Ifle of Wight: | Robert Pitt | New Kent: | Robt. Abrell |
| | John Moone | York: | Wm. Gooch |
| | Fra. Hobbs | | Robert Booth |
| | John Bond | | John Hayward |
| Lower Norfolk: | Barthol. Hoskins | Westmoreland: | John Holland |
| | Lemuell Mafon | | Alex. Baynham |

Burgeffes for the Affembly

of 1655/56-1656.

[From *Stanard's Colonial Virginia Register*, pp. 72, 73.]

| | | | |
|----------------|----------------------|-----------------|-----------------|
| Lancafter: | Moore Fauntleroy | Charles City: | Anthony Wyatt |
| | Henry Chicheley | | Abraham Wood |
| Northampton: | [Edmond] Scarborough | | Daniel Lluellin |
| Lower Norfolk: | John Sidney | York: | George Reade |
| | Lemuel Mafon | | John Page |
| | Bartholomew Hoskins | | Joseph Crofhaw |
| | Thos. Lambert | | Ralph Langley |
| | Richard Fofter | | Francis Willis |
| James City: | [William] Whittaker | | Nathaniel Bacon |
| | Theophilus Hone | | Armiger Wade |
| | John Flood | Warwick: | Thomas Davis |
| | Robert Holt | Northumberland: | John Truffell |
| | Robert Ellyfon | Gloucefter: | Thos. Ramfey |
| Ifle of Wight: | John Bond | Nanfemond: | Edward Streeter |
| | Nicholas Smith | | John Wilcox |
| | Job. Beazley | | Captain Blake |
| Henrico: | Thomas Lyggon | Elizabeth City: | Peter Afhton |
| | William Harris | | |

"M^r Holmewood,"¹ George Lobb, William Thomas,² "M^r Wright," and Lt. Colonel John Walker can not, with certainty, be affigned to counties.

¹ This is probably John Holmewood, of Charles City County. See *Encyclopedia of Virginia Biography*, I, p. 259.

² Thomas represented Surry County. See *Encyclopedia of Virginia Biography*, I, p. 339, and the list of members of the November 1652 session.

Burgeffes for the Affembly

of 1657/8-1658.

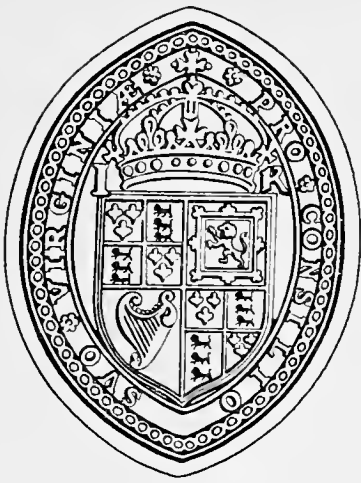
[From *Stanard's Colonial Virginia Register*, pp. 73, 74.]

| | | | |
|----------------|------------------|-----------------|----------------------|
| Henrico: | William Harris | Upper Norfolk: | Edw'd Carter |
| James City: | Hen. Soane | | Thomas Francis |
| | Richard Webfter | | Giles Webb |
| | Thomas Loveinge | Lower Norfolk: | John Sidney |
| | William Corker | | Lemuell Mafon |
| Surry: | Thos. Swann | Elizabeth City: | William [Wooldridge] |
| | William Edwards | | John Powell |
| | Wm. Butler | Warwick: | John Smith, Speaker |
| | Wm. Cawfield | | Thomas Davis |
| New Kent: | William Blacky | York: | Jeremy Ham |
| Gloucefter: | Anth. Elliott | | James Goodwin |
| | Thomas Ramfey | | Robert Borne |
| Rappahannock: | Thomas Lucas | | William Hay |
| Lancafter: | John Carter | Northumberland: | Peter Knight |
| | Peter Montague | | John Haney |
| Ifle of Wight: | John Bond | Northampton: | William Kendall |
| | Thomas Tabenor | | William Mellings |
| | John Brewer | | William Michell |
| | Joseph Bridger | | Randall Revell |
| Charles City: | War'm Horfmenden | | John Willcox |
| | Robert Wynne | | |

Burgeffes for the Affsembly of 1658/59.

[From *Stanard's Colonial Virginia Register*, pp. 74, 75.]

| | | | |
|----------------|-------------------|-----------------|-------------------|
| Henrico: | William Hatcher | Warwick: | John Harlowe |
| Charles City: | The Speaker | Elizabeth City: | William Batte |
| | War'm Horfemenden | | Florentine Paine |
| James City: | Walter Chiles | York: | Nathaniel Bacon |
| | William Whittacre | | Joseph Crowfhaw |
| | Thomas Foulke | | Thomas Bufhrod |
| | Mathew Edloe | | William Hay |
| Surry: | George Jordan | New Kent: | William Blacke |
| | Thomas Warren | Lancafter: | John Carter |
| | William Cawfield | | Hen. Corbin |
| Ifle of Wight: | Robert Pitt | Rappahannock: | Moore Fauntleroy |
| | John Bond | | John Weye |
| | William Englifh | Gloucefter: | Francis Willis |
| | James Pyland | | Auguftine Warner |
| Upper Norfolk: | Edward Carter | Northumberland: | George Collclough |
| | Thomas Goodwyn | Northampton: | John Stringer |
| | Giles Webb | | William Jones |
| Lower Norfolk: | John Sidney | | |
| | Lemuell Mafon | | |



Introductory Note.

THE title "Journals of the House of Burgesses" has been retained for the present volume, which is the 13th and last of the series of Journals in the publication of which the *Virginia State Library* has been engaged since the year 1904, though, so far as the contents of this book are concerned, it is not entirely accurate. The material found in this volume is not made up altogether, or even in the main, of entire Journals of the House of Burgesses or of excerpts from these Journals, but of a few such excerpts, it is true, and of such papers of the House and of the General or Grand Assembly as a whole as are extant and have been found by the editor of the volume. These papers include petitions, letters, and statements sent by the House or by the Assembly to the authorities in *England*, and communications made to the Assembly, as well as such portions of the Journals as have been preserved, the latter being, unfortunately, distressingly meagre, though, even at that, of the very highest importance historically. It was thought by the editor that the "papers" of the House and of the Assembly should, in the absence of the Journals, be printed, because they are closely associated with the Journals, which have been lost, and with the laws, the majority of which for this period have been printed in *Hening's "Statutes at Large,"* though, unfortunately, many of these, too, have been lost. It was thought that all the material which would be of help in the reconstruction of the activities of the House and of the Assembly for the earliest period should be presented in one place. The material in this volume is similar to that in the first 118 pages of the preceding volume, and not similar, except in places, to the material making up the bulk of that volume, namely, the complete Journals from 1680 through 1693, printed from contemporary copies of these Journals sent to *England* at the close of each session and there, with one or two exceptions, preserved. The book contains, also, the orders of the Assembly for the period covered. These orders are of the nature of laws rather than of journal material, being the actual judgments of the Assembly in regard to a multitude of local and private matters, in reference to which it was not deemed suitable to enact a law. They, however, frequently contain much of what in later times would appear in the Journals, and not by any means all of them have been printed by *Hening*.¹

It was thought best, however, to retain for this volume the title given to the series, rather than attempt to give it a title more truly descriptive of its contents, because, first, it actually does contain all the journal entries that have come down from those early days, and, secondly, it is only one volume of a series, and any change in the title would probably lead to confusion in the use of the volumes and in references to be made to them.

In collecting the material which will be found in the body of this book, a few papers have been obtained which are of such value as supplementing and illustrating that

¹ For fuller description of these orders, both as to their nature and history, see the Preface to the preceding volume, pp. XVII and XXXI.

material as to call for publication in an Appendix.² This material, none of it having been printed before, so far as is known to the editor of this volume, except one small item, will be found more particularly described in the Preface.

The Preface to the present volume is unlike the prefaces to former volumes in the series, in that it confines itself almost altogether to a treatment of the sources of the text and of the dates of the sessions, and pays only the most general attention to the contents of the text, whereas in former volumes a setting forth in a connected way of some of the more important transactions of the House was the main object of the prefaces. So far as the present volume is concerned, such a preface could not be written except for those few assemblies for which the excerpts from the original Journals are of some length, and in these cases the excerpts tell the story clearly enough to make a retelling of it superfluous. As for the papers of the various assemblies, it has been felt by the editor that an attempt to give in this Preface an adequate discussion of their contents would, if it were to be carried to a successful conclusion, result in the writing of a history of the period covered, which would scarcely be advisable in a preface. If advisable, it would not be possible to add much to what has already been done along this line.³

This volume contains, also, a general index to the series, made up of the indexes of the respective volumes, thrown together after having been somewhat revised. The series has been printed in an inverted chronological order, and no volume number has been put on any volume, but in place of this the inclusive dates of the material to be found therein. Consequently, in the general index the references to the volumes are made by means of these inclusive dates, they being printed in heavy type.

When the volumes of the series are collected on a shelf, it is suggested that they be put in their chronological order, rather than in the order in which they have been published. This will throw the index volume first, but will remedy the impression bound to be made by the other arrangement of moving in an unnatural way backwards. It is believed that this arrangement will reduce to a minimum the awkwardness resulting from the method of publishing, a method chosen because it was known at the start what Journals of the later period could be found for publication, but not known what Journals of the earlier period were in existence, and it was deemed desirable to begin the work at once. It may be added that this method has increased to no small extent the labor of the editors,⁴ and has caused the commission of a few mistakes in statement which otherwise might not have been made.

Much of the material appearing in this book has been printed before, and wherever a paper has appeared in a publication having a good reputation for accuracy, such, for instance, as *Hening's* "Statutes at Large" or the "*Virginia Magazine of History and Biography*," the editor has not thought it necessary to go beyond these to their sources in securing his text, but has entered cheerfully into the labors of others. He has, however, very frequently gone to the originals themselves, as a reading of the Preface will indicate.

In the text "copy" has been followed very closely, and in order to do this in the case of original manuscripts a few special characters have been used, as follows:

č, indicating ti (menčoned, for example, for mentioned).

ϕ, indicating -leman or -lemen (gentϕ, standing for gentleman or gentlemen, usually the latter).

ϕ̄, indicating pre (ϕ̄vent, prevent).

q₃, indicating que (annoq₃, for annoque)

m̄, indicating mm (sum̄on, for summon).

In general, a curve over a letter indicates the omission of a letter or letters either preceding or following the marked letter.

² The user of this book need hardly be told, however, that the material here given is but a small part of the material still unprinted in the British Public Record Office and other depositories which would throw strong light on the questions treated in the papers and parts of Journals appearing in the body of the book.

³ Until all the material referred to in the preceding note gets into print, it does not seem to the editor advisable that any further attempt to write a history of the period be made.

⁴ The first four volumes were edited by Jno. P. Kennedy, who when they were going through the press was librarian of the Virginia State Library; the remaining volumes have been edited by the present librarian.

Preface.

The General Assembly of 1619.

THIS Assembly is of peculiar interest as being the first legislative body that ever met in *America*. The account of its proceedings printed in the present volume is not the journal kept by the clerk of the General Assembly—no such journal has been preserved, if written from day to day, though a clerk was appointed—but it is the report sent home to the authorities of the *London Company* in *England* by the speaker of the Assembly, *John Pory*, who was also secretary of the Colony. *Pory's* position as secretary carried with it membership in the Council and consequently membership in the Assembly, since this first Assembly was composed, as was the case in later times, both of members elected by the people and of members of the Council appointed by the authorities in *England*. *Pory* seems to have been appointed to the position of speaker, as were *John Twine* and *Thomas Pierse* to the positions of clerk of the General Assembly and sergeant-at-arms, respectively, by the governor or by the governor and Council, for the selection took place before the Burgesses had become, by taking the oath of supremacy, fully competent to perform their duties.

At this first meeting of the General Assembly the Burgesses—two from each plantation—and the members of the Council, with the governor, sat together as one body, in which each member had one vote, and questions were decided by the vote of the majority, the governor, however, having the power to veto any measure whatever. All this was in accordance with the *London Company's* commission to Governor *Yeadley* establishing the General Assembly; and the body continued to consist of only one chamber for the few years of the further existence of the *London Company* and possibly to a later time still. By an extension of usage the Company applied the term “borough” to each area, whether town, hundred, or plantation, from which representatives were to come, and the term “burgess” to each voter in one of these areas. The representatives in the Assembly were called “burgesses” at the start, not because they were representatives, but because they were citizens and voters in these “boroughs,” but very soon the idea of representation became attached to the word “burgess,” and then, the boroughs of the company having gone out of existence, the word came to mean, so far as *Virginia* was concerned, a representative in the elective branch of the General Assembly and nothing else. Its use in the sense of a voter did not persist. But as meaning a representative it continued in use till the Revolutionary War, though there was only one town in the Colony. The reason for this was, of course, that the term was used in the official documents of the later period and that these followed the usage set by the Company.⁵

Unfortunately, the records handed down do not permit us to say at exactly what time the two classes of members began to sit as separate chambers; certainly, however, it was much before the year 1680, the date given by *Beverley*, and adopted on his authority by many later historians. Some of the evidence leading to this conclusion has been presented in the Preface to the volume of the Journals of the House of Burgesses immediately preceding the present one.⁶ Additional evidence will be presented further on in this Preface.

⁵ See the commission given to Sir Francis Wyatt in 1621, printed in Hening, I, 113, 114, which was almost certainly exactly similar to the commission given to Sir George Yeadley in 1618, by virtue of which the first General Assembly in Virginia was held. Unfortunately, this paper has been lost. The first paper mentioning the General Assembly that has come down to us is dated July 24, 1621. It has the title “An Ordinance and Constitution of the Treasurer, Council, and Company in England, for a Council of State and General Assembly.” It is printed in Hening I, 110-113.

⁶ See Journals of the House of Burgesses, 1659/60-1693, p. xx.

The speaker's account of the proceedings of this General Assembly was first printed in 1857, in the "Collections of the *New York Historical Society*," with a preface by *George Bancroft*. It was again printed in the "Colonial Records of *Virginia*" (State Senate Document, Extra, *Richmond*, 1874), pp. 1-32. The original is in the *British Public Record Office, London*. The several transcripts which have been made of this very interesting document differ from each other slightly in unimportant details. Two of these transcripts are at present in the *Virginia State Library*, one in the collection known as the "*McDonald Transcripts*" and the other in the collection known as the "*De Jarnette Transcripts*."⁷ The former of these has been used as the source of the text printed in this volume, as it appears to be slightly more accurate than the *De Jarnette* transcript and at least as accurate as the one used by *Bancroft*.⁸

The sessions of this Assembly began on *July 30*, and ended on *August 4*. The last paragraph of the report shows that the Assembly was not finally dissolved, but was prorogued to the first of *March, 1619/20*. Probably it met at that time or a little later, but no account of the session has been handed down, though *Robert Beverley*, indeed, does say in his "*History of Virginia*" that an Assembly met in *May, 1620*, and in this statement he is followed by the more reliable *Stith*.⁹

The General Assembly of 1621.

THE next Assembly of which there is an account met in *November and December, 1621*—probably for only a few days—and the account is found in a letter of the governor and Council of *Virginia* to the *London Company* written in *January, 1621/22*. This letter is printed in full in *Edward D. Neill's "Virginia Company of London,"* pp. 274-286. In the absence of the Journal of this Assembly, of all documents emanating from it, and of such a special report relating to it as Speaker *Pory's* report of the proceedings of the Assembly of 1619, it was thought advisable to insert in this volume such parts of the letter as refer to the proceedings of the Assembly. These are printed from the text as given by *Neill*, who copied from a manuscript in the Library of Congress, which is evidently a contemporary copy of the original—almost certainly, indeed, the official copy kept by the governor and Council. It found its way to the Library of Congress with the library of *Thomas Jefferson*.¹⁰

⁷ The first of these two collections of transcripts was made in 1860 by direction of Col. Angus W. McDonald, who had been sent to England by the General Assembly of Virginia to secure transcripts of such papers as he could discover throwing any light on the question of the boundary line between Virginia and Maryland, and who, finding after this task had been accomplished that the appropriation made was not exhausted, expended the balance in securing transcripts of other important documents originating in colonial Virginia. Unfortunately, four of the nine volumes of transcripts and the collection of maps brought back by Col. McDonald from England—the material bearing more especially on the subject of the boundary line—disappeared from the Virginia State Library some time after the occupation of Richmond by the Federal troops in April, 1865. Consequently, when in 1870 the question of the boundary line between the two States came again under official consideration, it was necessary that the documents in England bearing upon it should be copied again. This time the agent of Virginia was the Honorable D. C. De Jarnette, sent over by the governor of the State. Mr. De Jarnette, too, had transcripts made of important Virginia documents other than those bearing on the boundary line, many of them, indeed, being duplicates of the transcripts in the four volumes of the "McDonald Transcripts" which have been preserved.

⁸ A very good account of the work of this Assembly is contained in an article by W. W. Henry on pp. 55 ff. of Vol. II of the "*Virginia Magazine of History and Biography*." Another article, going more fully than does that of Mr. Henry into the significance of the case of Captain John Martin, the representatives from whose plantation were not permitted to take their seats, is to be found in the same Magazine, Vol. VII, pp. 268-275, entitled "The Case of Captain Martin," written by Alexander Brown. In Alexander Brown's "*First Republic in America*" is found, also, a very full account of the proceedings of this Assembly. (See "*First Republic in America*," pp. 313-321.) The introductory note written by George Bancroft to the Proceedings of the General Assembly printed in the "Collections of the *New York Historical Society*" for 1857 is also excellent. This introductory note is reprinted in the "*Colonial Records of Virginia*."

⁹ See p. 37 of Campbell's edition of Beverley's "*History of Virginia*," and p. 160 of Stith's "*History of Virginia*." Beverley makes this the first session of the Assembly.

¹⁰ Its reference marks in the Library of Congress are, Ms. Rec. Virginia Co., III, pt. ii, pp. 1-2a.

The General Assembly of 1623/24.

THE next session of which any record has been left, though probably there were sessions held in the years 1622 and 1623, for, according to the "Ordinance and Constitution of the Treasurer, Council, and Company in *England* for a Council of State and General Assembly," the sessions were to be annual, is the session of 1623/24, commencing *February* 16 and ending *March* 5. This was a very important session in the history of the Colony, for the commissioners sent over by the *English* government to inquire into the condition of the Colony were in *Virginia*, with whom negotiations had to be carried on, and papers had to be drawn up setting forth the attitude of the Colony toward the proposed revocation of the charter of the *London* Company. The sympathy of the colonists was overwhelmingly with the company.

The fight made by the king on the company is fully described in *E. D. Neill's* "*Virginia Company of London*" and in even greater detail and more satisfactorily in *Alexander Brown's* "*First Republic in America.*"¹¹ All the papers referred to by *Brown* are printed in the present volume—in the absence of the regular Journal of the session, which has been lost—with the exception of the laws, which are to be found in *Hening*, I, 121-128. In addition, there is printed here an order of this Assembly which seems to have been overlooked by *Brown*—the second order on page 41. This sets forth the method of collecting tobacco for payment of Mr. *John Pountis* for looking after the interests of *Virginia* before the king and Council in *England*.

The first document of this Assembly printed in this volume is taken from *Neill's* "*Virginia Company of London*" and the second from *Stith's* "*History of Virginia*," the original manuscript being in each case now in the Library of Congress, having been secured by that library with the library of *Thomas Jefferson*. The next two documents are from the "*Bancroft Transcripts*," a large collection of copies of original papers in the Public Record Office, *London*, which *George Bancroft*, the historian, had made for his use when writing his "*History of the United States*," and which are now in the *New York* Public Library. The next document is copied from the "*Colonial Records of Virginia*," a printed compilation already referred to, the source of the text of which is, as we have seen, transcripts of originals in the Public Record Office. All the other documents of this session are printed from the "*Bancroft Transcripts*" except the two orders given on page 41, which are from papers in the Library of Congress evidently contemporary with the orders themselves.¹²

This Assembly probably held another session, in the latter part of 1624, but nothing is known in reference to it.¹³

¹¹ *Neill's* "*Virginia Company of London*," 385 ff.; *Brown's* "*First Republic in America*," 570 ff.

¹² The Library of Congress papers are, in fact, pages from the original Council record book, the book, before its transfer to the Library of Congress, having become much mutilated, only pages here and there being preserved.

It may be of interest to note that everywhere in this volume where documents have been printed from manuscripts other than manuscripts in the British Public Record Office and transcripts in the Virginia State Library, photostatic copies of the sources have been used. In the case of the "*Bancroft Transcripts*" these photostatic copies have been themselves sent to the printer, but in the case of the Library of Congress manuscripts—early seventeenth century manuscripts—difficulties of handwriting made it advisable that the printer be furnished with more legible copy.

¹³ See *Alexander Brown's* reference to it in the "*Virginia Magazine of History and Biography*," VII, 273, 274.

Convention of 1625.

WHEN the charter was taken away from the *London* Company and the government of *Virginia* was assumed by the crown, there was in the form of government devised no provision made for a representative assembly. Hence no House of Burgesses could be legally elected. However, the governor of *Virginia*, Sir *Francis Wyatt*, and the Council, were in favor of allowing representatives of the people a share in the government of the Colony, although this, necessarily, would diminish their own power, and they, accordingly, called together a number of such representatives to consult with them on matters most vitally affecting the Colony. The call has fortunately been preserved, and is in these words:

"Whereas there are divers important occasions, w^{ch} hereby concerne the generall Estate of y^e Colony, These are y^e you call together all the fremen of y^e plantac' vnder your Comand And by the maior p'tie of y^e voyt [voice] to elect two of y^e most Sufficient vpon whose Judgements the rest wilbe Contented to rely y^e they Appere at *James Cittie* the 10th of *Maye* next ensuinge, where we hope the busineses will not detain them aboute three or fower dyes."

This call was issued at a meeting of the governor and Council held the 25th of *April*, 1625, and was directed to the commander of each plantation.¹⁴

To the gathering which came together pursuant to this call, presumably on the 10th of *May*, the term "Convention" has been applied. The paper drawn up by it, preserved in the *British* Public Record Office, has been given a place in this book among the papers of the General Assembly, though, technically speaking, it has no title to be placed here. It is a petition to the king, and shows clearly the wish of the people of *Virginia* to be allowed to have a representative assembly and their objection to the king's making a monopoly of the tobacco trade. The monopoly was spoken of by them as "the late pernicious contract." The Convention probably did nothing beyond drawing up this petition to the king and electing Sir *George Yeardley*, former governor, as the agent of the Colony to proceed to *England* and present it to his majesty.¹⁵

There may have been other conventions held in the time intervening between the assumption of the government by the crown and the allowance of general assemblies by the crown—in the latter part of 1627—but no definite records of them have been preserved.

General Assembly of 1627/28.

THE first General Assembly of *Virginia* which met after the revocation of the charter was called together at the express command of the king in *March* 1627/28. The date of the most important paper drawn up by the General Assembly is *March* 26, 1628, and it is a paper of such length and deals principally with a question of such great importance to the Colony that several days must have been consumed in its drafting and consideration. It seems safe to say, then, that the Assembly met some days before *March* 25, and, accordingly, in the year 1627 (old style).

As usual for this early period, the Journal has been lost. At the same time, no laws or orders passed at this session have been preserved. The papers that have come down, however, are extremely interesting, and the last one printed in this book, namely, the commission of the General Assembly to Sir *Francis Wyatt*, Mr. *Edward Bennett*, and Mr. *Michael Marshart*, directing them to take care in *England* of the interests of the planters of *Virginia* in the matter of the monopoly of the trade in tobacco, which the

¹⁴ It is printed in the "Virginia Magazine of History and Biography," XXIII, 14, from the original "Minutes of the Council and General Court of Virginia," in the Library of Congress.

¹⁵ "First Republic in America," 642.

king wished to take to himself, seems to have been overlooked heretofore by writers on this period of *Virginia* history. The commission is here printed, for the first time, from a contemporary copy—evidently the original official copy kept in *Virginia*—in the Library of Congress. Since it is not a paper directed to the officials in *England*, no copy of it is, of course, in the *British* Public Record Office. Of the other papers of the session, there are copies both in the Public Record Office and in the Library of Congress, those in the former repository being the actual official papers sent to *England* and those in the latter the official copies kept in *Virginia*. The text given in this book follows the copies in the Public Record Office—or, more immediately, the “*Bancroft Transcripts*.”

It was owing to the desire of the king to monopolize the trade in tobacco, and to his thought that this could be probably more thoroughly effected by a law passed by the representatives of the planters than by a proclamation, that the General Assembly was ordered to be convened. The Assembly, however, was by no means inclined to accede to the king's terms.¹⁶

General Assembly of 1629.

THE Assembly of 1629 began its meeting the 16th of *October*, as is distinctly stated in the manuscript which is the final source of the text, but it cannot be said how long the session continued, since no further date is given. The proceedings of this Assembly are printed in *Hening*, and from *Hening* the text in this book has been copied. This process was much simpler than to have a copy of the original made. And it has not, it is believed, impaired the authenticity or accuracy of the text, for a careful comparison of *Hening* with the original manuscript in the Library of Congress¹⁷ was made by the editor of this volume, and *Hening's* accuracy found to be most commendable. In fact, *Hening* now has a better text than the Library of Congress manuscript, for the reason that that manuscript, faded and frayed and defective in *Hening's* time, is now in even worse condition, one hundred years and more having elapsed since *Hening's* use of it. In one respect, however, the present text is closer to the original than is the text in *Hening*: the chapter headings inserted by *Hening* have been discarded.

Hening was inclined to think that he was printing the proceedings, or Journal, of the Assembly, rather than the acts, for he says as much on page 139 of Vol. I; still he inserted, “for the convenience of reference,” he says, the words “act 1,” “act 2,” etc., at the beginning of the paragraphs of the manuscript when printed. The proceedings are not, however, claimed to be a true Journal. They are, rather, similar to the report of the proceedings of the first Assembly made by *John Pory*. The list of members of the Assembly is not printed in this book in connection with the proceedings, but is given with the other lists of members in the front part of the book.

It will be noticed that at this time the members of the House of Burgesses and the members of the Council, with the governor, still sat together. The wording of the proceedings all the way through shows this beyond a doubt.

¹⁶ For all early Virginia economic questions Philip Alexander Bruce's “*Economic History of Virginia in the Seventeenth Century*” should be consulted. The question of Charles's tobacco monopoly is treated on pp. 285-288 of Vol. I of that work.

¹⁷ This manuscript is believed to be the official record preserved by the Clerk of the House of Burgesses. It is the source of the acts given in *Hening* for the sessions through August, 1633.

General Affembly of 1629/30.

THIS Affembly met the 24th of *March*, 1629/30, and continued in feffion certainly for feveral days, but for how many it is impoffible to fay. No record of the Affembly has been preferved other than that printed as Acts of Affembly in *Hening*, I, 147-153, from a manufcript now in the Library of Congrefs.

At this early date the art of keeping journals and drawing up laws was not highly developed. The journals of the daily proceedings, if written out, were probably confidered of little permanent importance, and confequently were foon loft. The important thing was to keep a record of the refults actually attained, that is, the petitions and other papers drawn up, and the acts and orders paffed, and there was at the ftart little diftinction, if any, between thefe two kinds of enactments. Indeed, in the early days the formula "it is ordered" or "it is thought fit" ufually appears in the cafe of all enactments, variations, however, being met with. It was not until the 1643/44 feffion, if we may venture on a ftatement from the infufficient material left, that the form "it is enacted," or "be it enacted," became eftablifhed as the normal form for ufe in an act, or law, "it is ordered" having been referved for ufe in orders.

The defign of the writer of the manufcript from which *Hening* copied what is given on pp. 147-153 of his firft volume—and this writer was probably the clerk of the Affembly, for if the manufcript is not the original official record, it is certainly a contemporary copy and one probably made by the clerk—was to preferve what we fhould now call the Acts of Affembly and not the Journal of the Houfe, or, as it would have been at that time, there being only one chamber, Journal of the General Affembly. For this reafon the material is not printed in this volume, though it muft be admitted that fome of it bears a clofe refemblance to journal material. It muft be admitted, alfo, that the line of demarcation between the material for this feffion and that for the feffion before, printed in this volume, is but faint. However, from this time on the wording of the acts becomes more and more expert, and lefs and lefs matter of a journaliftic nature appears. Beginning with the prefent feffion the enactments given by *Hening* as acts will not be found printed in this volume—with one or two exceptions where *Hening* is in error in claffification, or where the paper, though called an act by the Affembly, was in reality defigned to be fomething in addition.¹⁸

Grand Affembly of 1631/32.

THIS Affembly met the 21ft of *February*, 1631/32, and continued in feffion through the fixth of *March*. The acts of the feffion are all given in *Hening*, I, 155-177, and no Journal has been handed down. The manufcript, however, containing the acts differs from other fimilar manufcripts, in that it gives the different days on which the various acts were paffed, and alfo the day of adjournment. This has made it poffible to give the limiting dates of the feffion. The manufcript, alfo, has the two following ftatements of a journaliftic nature inferted juft after the lift of names of the Burgeffes and before the acts:

"The oathes of fupremacy and allegiance were in the firft place adminiftered to the Governor and Councill and to all the above named burgeffes in like manner.

In the afternoone.

"The Commiffion from his majeftie nowe in force was read before the whole bodie of the Affembly."

This is the laft manufcript containing the Acts of Affembly that has in it fentences of the character quoted above.

¹⁸ See pp. 66-69.

That the Council and the Burgeffes ftill fat together appears from the wording of Act XVIII, in reference to attendance on divine fervices, which is, in part: "It is ordered, that all the Counfell and burgiffes of the affembly fhall, in the morninge, be present at devine fervice, in the roome where they fit, at the third beatinge of the drum, * * * "

However, the Burgeffes were certainly developing an independent confcioufnefs, for the one document of the feffion handed down to us—probably the only one drawn up—was the work of the Burgeffes alone, the governor and Council writing one of their own bearing on the fame fubject and directed to the fame body. The paper of the Burgeffes is given on pages 55 and 56 of this volume; that of the governor and Council, in the Appendix.

These two papers are designated, the one as the petition of the Houfe of Burgeffes and the other as the letter of the governor and Council to the Privy Council.¹⁹ This, on further confideration, feems to be an error. They were, more probably, directed to the commiffioners appointed by the Privy Council the latter part of *June*, 1631, to inquire into *Virginia* affairs.²⁰ They are, however, in the "*Randolph Manuscript*" and the "*Bland Manuscript*" taken to have been directed to the Privy Council—that is, the only one of them (the petition of the Burgeffes) of which an abstract is given in these manuscripts, is fo affigned.²¹

Inftead of the term "General Affembly," "Grand Affembly" makes its appearance for the firft time at this feffion, a term to remain in ufe till the feffion held in 1680. There feems to be no fpecial reafon for the change, the two terms being exactly fynonymous. It happened, however, that the paper authorizing Governor *Harvey* to call legislative affemblies ufed the term "Grand Affembly,"²² which ufrage was followed in *England* until 1680 and confequently in *Virginia*. In fact, *Harvey's* firft Affembly, that held in *March*, 1629/30, fhould on this principle have been called the "Grand Affembly," but the clerk made the miftake of ufing the designation "General Affembly" up to that time in vogue.

¹⁹ Both are printed from the original records, now in the Library of Congress.

²⁰ For the names of these commiffioners, fee Neill's "*Virginia Carolorum*," p. 85.

²¹ The "*Bland Manuscript*" is a large bound volume of transcripts and abstracts of early *Virginia* records. The originals having in many instances been loft, this manuscript is an extremely valuable fource of *Virginia* hiftory. The copies and abstracts were made about the year 1722, probably by a clerk in the fecretary's office, for Sir John Randolph, who had under contemplation the writing of a hiftory of *Virginia*, but who died before he could carry his purpose into execution. It has, however, been ufed by Stith, Burk, Hening, Campbell, and more recent workers in *Virginia* hiftory. Hening gave the volume the title, by which it has fince been known, of the "*Bland Manuscript*," becaufe at the death of Richard Bland, the "*Virginia Antiquary*," it was in his library. It was purchafed by Thomas Jefferfon, and with moft of Jefferfon's library, found its way finally to the Library of Congress, where it is today.

The "*Randolph Manuscript*," fo called becaufe it was at one time owned by John Randolph, of Roanoke, is now the property of the *Virginia* Hiftorical Society. It is an eighteenth century copy of the "*Bland Manuscript*," made by an expert copyift, who did his work well, though fome unimportant miftakes have, indeed, been difcovered.

When the prefent volume of "*Journals of the Houfe of Burgeffes*" comes from the prefs, all the material in the "*Bland Manuscript*" will, it is thought, have been published. Stith, in the appendix to his "*Hiftory of the Firft Difcovery and Settlement of Virginia*," *Williamsburg*, 1747, made a beginning of publication, and this work has been going on, intermittently, ever fince. The laws, moft of the orders, and many of the paragraphs copied, either *in extenfo* or by abstract, from the early *Journals of the Houfe of Burgeffes*, were printed by Hening, and fuch of this material as Hening failed to include, with the longer papers not elfewhere printed, has been, with a few exceptions, printed in the "*Virginia Magazine of Hiftory and Biography*." The immediate fource of the text of the "*Virginia Magazine of Hiftory and Biography*" was, however, the "*Randolph Manuscript*."

For fuller information in reference to the "*Bland Manuscript*" and the "*Randolph Manuscript*," fee the "*Records of the Virginia Company*," Introduction, pp. 48-54, and the "*Virginia Magazine of Hiftory and Biography*," XV, pp. 390, 391.

²² In neither *Harvey's* commiffion nor firft fet of inftructions is the permiffion to call a representative affembly given. The commiffion is printed in the "*Virginia Magazine of Hiftory and Biography*," XVI, 125-131, and the inftructions in the fame magazine, VII, 267. In the inftructions, however, is the following fentence: "We doe likewise promife hereby to renewe and confirme unto the faid Collonies under our greate Seale of Englande their landes and priviledges formerlie graunted," and in inftructions iffued later the governor is fpecifically authorized to call a representative affembly, "Grand Affembly" being the term ufed. See the "*Calendar of State Papers, Colonial*, 1574-1660," p. 100.

Sessions of the Grand Assembly Held in the Period 1632-1637.

SESSIONS were held during this period almost every year, but about some of them very little is known. For the session which began the fourth of *September*, 1632—the date of its close is not known—the laws are given in *Hening*, I, 178-202, from the original records, referred to above, now in the Library of Congress. It is also known that this Assembly took depositions as to the character of the government of the Colony under the *Virginia Company of London*,²³ but the records have been lost.

The laws passed by the Assembly at its session beginning the first of *February* 1632/33 are printed in *Hening*, I, 202-209. This Assembly held a second session, which began the 21st of *August*, 1633, and the laws passed at this session are printed on pages 209-222 of Vol. I of *Hening*.²⁴ That this was the second session of the Assembly that met in its first session in *February*, 1632/33, rather than the first session of a new Assembly, is inferred from the fact that the manuscript does not give before the text of the laws the names of the members of the Grand Assembly, as is done elsewhere in this manuscript and in others giving laws. It was customary in these manuscripts to give the names of the members of the General Assembly whenever a new Assembly was convened, but not when an old Assembly met in a new session. It must be remembered that copies of the laws passed at each session were sent to the various counties of the Colony—one copy to each county. Though surprisingly few of these are now in existence, a sufficient number are left to show what must have been the custom in this respect, certainly in later times. It is possible, of course, that the statement cannot be made with certainty for a time as early as 1633.

According to an abstract in the "*Bland Manuscript*" and in the "*Randolph Manuscript*," printed in *Hening*, I, 223, and in the "*Virginia Magazine of History and Biography*," XIII, 391, a meeting of the Assembly was held in 1634. The month is not given. The abstract has to do with the hours of attendance of the secretary of the Colony in his office. At this meeting, also, the Burgesses drew up a petition to the king arguing against a proposal from his majesty that he make a monopoly of the tobacco trade, but no copy of this paper has come down, owing to the fact that the governor, the autocratic Sir *John Harvey*, at this time riding for a fall and the next year "thrust from his government," would not forward it to the home authorities, and the secretary of the Colony and the clerk of the Assembly were afraid to give out attested copies.²⁵ The titles of several of the other acts passed at this session are also known from a section of Act XXXVIII of the session of 1641/42, which is as follows:

"That one Act made in the yeare 1634 requiringe noe wine nor stronge waters to be fould w'thout liffence; That one Act made An^o 1634 comandinge plantinge of vines; That one Act made in An^o 1634 in forcing noe gold nor silver to bee worne on apparell but by Counsellors and there wives; That one Act made in An^o 1634 bindinge seamen not to trade here goods w'thout reddye pay; That one Act made in An^o 1634 entitled a restraint from plantinge; That one Act An^o 1634 comandinge Left. *Popeley* to make good the Middle plantation; That one Act made in An^o 1634 requiringe an office to bee built for the Secretary, bee from henceforth repealed."

The laws for this session of 1641/42, from which the above is quoted, were not found by *Hening*. Many of them have, however, been printed in the "*Virginia Magazine of History and Biography*," IX, 52-59. The preceding paragraph is to be found on page 57.

²³ See p. 66 of the present volume.

²⁴ *Hening's* source for the laws of both these sessions is still the original records.

²⁵ See Wertenbaker's "*Virginia under the Stuarts*," p. 74; also, "*The Virginia Magazine of History and Biography*," I, 416.

An Assembly probably convened on the 20th of *February*, 1634/35, for Governor *Harvey* in a letter dated *January* 27, 1634/5, to Secretary *Windebank*, said that one had been called for that date,²⁶ but nothing is known as to its proceedings.

On the 7th of *May*, 1635, an Assembly came together to receive complaints against Governor *Harvey*.²⁷ This Assembly was called together by the Council and not by the governor and Council, and when it met, the governor, now practically a prisoner, sent a letter stating that the meeting was illegal and ordering that it be discontinued. This order, however, was not obeyed. The Council proceeded to the election of a successor for *Harvey*, and the Burgesses were called on to ratify the choice. This was done with enthusiasm. The Assembly then drew up a paper directed to the Lords Commissioners of Plantations, the body in *England* then having charge of Colonial affairs, in which was given a catalogue of *Harvey's* misdeeds as governor. This paper has not come down to us. It happened that Governor *Harvey* went to *England* in the same ship which conveyed *Thomas Harwood*, the bearer of the paper; and as soon as a landing was made at *Plymouth*, he prevailed on the mayor of the city to have the paper, with others, taken from *Harwood* and delivered to him. He then went on his way rejoicing to *London*, where he secured an order restoring him to his government.²⁸

Another Assembly convened in *February*, 1635/6, and passed acts only a reference to one of which has been preserved, in a letter written by the governor and Council in 1638(?) to the authorities in *England*. This act was one for restraining excessive purchases of wine, and the governor and Council in 1638(?) wrote that it ought to be revived.²⁹

On the 20th of *February*, 1636/7, an Assembly met and passed a good many laws, but only one of these has been preserved, namely, the 20th act of the session, the object of which was to erect an office the holder of which should keep a register of all tobacco and other commodities exported. This was the first Assembly held by Governor *Harvey* after his return to *Virginia* as governor.³⁰ In a paragraph of Act XXXVIII, however, of the 1641/42 session several other acts of this session are mentioned. The paragraph is as follows:

"That one Act made in An^o 1636 for wine and mulberry trees; That one act made in An^o 1636 givinge lib'tie for attached goods to bee prayfed and fould; That one Act made in An^o 1636 forbiddinge transportinge of Cattle; That one Act made in An^o 1636 for plantinge Toba. w'thout restraint; That one Act made in An^o 1636 ratinge sheriffes fees; That one Act made in An^o 1636 requiringe 4^{lb} p. pole for the Mayntenance of a Capt. of a forte and Guarders; That one Act made in An^o 1636 ratinge fees of officers for regeltringe Toba. inspected; That an Act made in the yeare 1636 ratinge surveyors fees; That an Act made in An^o 1636 requiringe a wayter to be putt on board ships; That one Act made in An^o 1636 freeing Counsellors from taxes, bee repealed."³¹

²⁶ See the "Calendar of State Papers, Colonial, 1574-1660," p. 195 (44).

²⁷ Hening, I, 223; "Virginia Magazine of History and Biography," I, 422, 427.

²⁸ A very good account of the career of Sir John Harvey is given in Wertenbaker's "Virginia under the Stuarts," pp. 64 ff. This book may be recommended, also, for all the more important events of the whole period covered by the papers embraced in the present volume.

²⁹ See "Calendar of State Papers, Colonial, 1574-1660," p. 268 (98).

³⁰ This act will be found printed in the Appendix to the present volume.

³¹ "Virginia Magazine of History and Biography," IX, 57.

Grand Assembly of 1637/8.

THIS Assembly met in *February*, 1637/38, and remained in session certainly for some time, since important business was transacted, but the exact time cannot be stated. The acts passed by this Assembly have not been handed down, but that one of these had for its object the regulation of both the quality and quantity of tobacco raised in *Virginia*, is learned from a letter written by governor *Harvey* to Secretary *Windebank* dated *March 22*, 1638.²² At least two other acts of the session, with the one referred to by Governor *Harvey* are mentioned in Act XXXVIII of the session of 1641/2, in the following paragraph:

“That one Act made in the yeare 1637 for regulatunge of Toba.; That one Act made in the yeare 1637 requiringe younge freemen to feat *Chickahominy*; That one Act made in An^o 1637 refrayninge Inholders to fell strong waters, be repealed.”²³

The fullest account of the proceedings of this Assembly is to be found in the letter written by *Richard Kemp*, secretary of *Virginia*, to Secretary *Windebank*, dated *April 6*, 1638, with which he sent the five documents of the Assembly printed in this volume. This letter, on account of its importance, is printed in the Appendix of this volume.

Of the five documents²⁴ of the Assembly, one contains the propositions made by the king to the General Assembly, especially in regard to tobacco, of which the king wished to make a monopoly. It will be seen from Secretary *Kemp*'s letter that the governor did not communicate these propositions in a speech to the Assembly at the beginning of the session, as would have been done later, but that this duty was performed by Secretary *Kemp* himself. We have no means of knowing whether at this early date it was the custom for the governor to open the sessions of the Assembly with a speech, outlining the work to be done, but presumably it was.

Three of the other four documents are the work of the Burgesses, and one proceeds from the governor and Council. There is no paper of the whole Assembly. The documents present to our view the fight, later to become so familiar, of the governor and Council in active support of the propositions sent over and of the House of Burgesses in determined opposition. It should be remembered, in explanation of this situation, that the members of the Council who had taken part in the expulsion of Sir *John Harvey* from the government more than two years before this had been deposed from office and others put in their places. The Council was at this time thoroughly under the control of the governor.

Both the wording of these papers and the fact that they are communications passing between the governor and Council on one side and the House of Burgesses on the other seem to show that by this time the two chambers sat separately. It may be, however, that in the transaction of routine business and in the passing of laws the members of the Council, the governor, and the members of the House of Burgesses all sat together, as formerly, but that for this important matter, in reference to which the two classes of members were solidly—so far as it appears—opposed to each other, it was thought best that at least a temporary separation should take place.

²² See "Calendar of State Papers, Colonial, 1574-1660," p. 266.

²³ "Virginia Magazine of History and Biography," IX, 58.

²⁴ See pp. 57-65. The headings of the documents give sufficient information as to the sources of the text.

Grand Assembly of 1639.

THAT an Assembly met in *October*, 1639, is shown by Act XXIX of the Assembly of *January*, 1639/40, the abridgment of which given in *Hening* is as follows:

"The act of 22d *8br.* last concerning burgiffes charges repealed, and the act in 1636 revived instead thereof."³⁵ It is also shown by a paragraph of Act XXXVIII of the 1641/42 session, which is as follows:

"That one Act made in An^o 1639 entitled an Act for Contract for freight; That one Act made in An^o 1639 ratinge and vallenging Tobaccoe; That one Act made in An^o 1639 giveinge lib'tie to transporte Cattle, bee repealed."³⁶ It is also shown by Act LX of the session of 1642/3. This is, in fact, the act of 1639 re-enacted.³⁷

It was probably at this session, too, that *George Sandys* was appointed agent for the Colony to attempt to secure a change in the form of government, since 1639 is the year given in a paper drawn up by the 1641/42-42 Assembly.³⁸ It is barely possible, however, that the Assembly referred to may have been the 1639/40 Assembly. Unfortunately, the instructions given *Sandys* have not been preserved.

Grand Assembly of 1639/40.

THIS Assembly met the 6th of *January*, 1639/40, and passed at least thirty-four acts, but no record of the proceedings of the Assembly has been handed down, nor has any document drawn up by it been preserved. *Hening*³⁹ gives abstracts of the acts, copied from the "*Bland Manuscript*;" and in the "*Virginia Magazine of History and Biography*," Vol. II, p. 99, is found a list of members of the Assembly, printed "from a copy made by the late *Conway Robinson* from the original (now destroyed) in the office of the General Court."⁴⁰

Grand Assembly of 1640/41.

AN ASSEMBLY convened in *January*, 1640/41, for there is a reference to one of the acts of that session in Act LXXII of the session of the Assembly held in *March*, 1642/43. There is a reference to another of the laws in Act XXXVIII of the laws of 1641/42, the paragraph being as follows:

"That one Act made in An^o 1640 prefige toba., bee repealed."⁴¹

³⁵ *Hening*, I, 229.

³⁶ "*Virginia Magazine of History and Biography*," IX, 58.

³⁷ *Hening*, I, 274, 275.

³⁸ See p. 66 of this volume.

³⁹ See *Hening*, I, 224-229.

⁴⁰ The General Court building, with its contents, was destroyed by fire on the evacuation of Richmond in 1865.

⁴¹ "*Virginia Magazine of History and Biography*," IX, 58.

Grand Assembly of 1641/42-42.

THIS Assembly met the 12th of *January*, 1641/42, and continued in session for some time—exactly how long, it is not possible to say—when it was adjourned to the first of *April*.⁴² During the first period of its activity there were passed the laws printed on pp. 52-59 of Vol. IX of the "*Virginia Magazine of History and Biography*"—none of these laws is printed in *Hening*—and other laws which have not been found, and a great deal of time was spent in the discussion of other matters, especially of the most important one, probably, of the session, namely, the question of the renewal of the charter of the *London Company*, then being agitated in *England* and *Virginia*. This much may be inferred from the last act passed at that time, that is, Act XL, which was the act adjourning the Assembly to the first of *April*, and from the fact that the paper expressing the final conclusions of the Assembly on the subject, printed in this book on pp. 66-69,⁴³ was ordered to be entered as the 21st act of the session. This seems to indicate that the other laws of the first part of the session were all completed through Act XL—though copies of Acts II-XXX, with the exception of this Act XXI, have not been preserved—and that it was thought best, so far as this very important one was concerned, to await the arrival of the new governor, Sir *William Berkeley*, shortly expected. The paper is, primarily, a statement of the reasons why the majority in the Assembly did not favor the rechartering of the *London Company* or any similar company, but it is also a law, in that it was ordered to be recorded as such and in that the last two paragraphs contain real enactments, prescribing punishment for any who might in the future endeavor to have a company chartered for the government of *Virginia*, and adjourning the session again till the second of *June*.

The formal adoption of this important paper seems to have been the only business transacted at the *April* meeting of the Assembly. Only twenty-one Burgesses signed it, presumably, however, the full membership of the House present. At this time the counties were allowed representation in proportion, roughly speaking, to their population, and the total membership of the House, from the ten counties and one town in the Colony, was about thirty-six.⁴⁴

At the *January* meeting of the Assembly now under consideration there were thirty members of the House of Burgesses present, of whom nine were from *James City*. A comparison of the list of members present in *April* with the list of those present in *January* shows that only eleven attended both sessions. Ten new names appear on the *April* list. This seems to show either that some of those elected before the first meeting of the Assembly in *January* failed to attend or that in the period elapsing between the two meetings new members were elected. Possibly it shows both of these things, new members being elected in place of the old ones who had died or become incapacitated.

The Assembly met again, pursuant to adjournment, on the second of *June* and remained in session, presumably, till the first of *July*, for that is the date of the second paper of this Assembly, printed in this volume, entitled "The Remonstrance of the Grand Assembly," drawn up in order to explain to the country why the session had been such a long one. This paper names in a general way the many important things that had been done, several of them, undoubtedly, attended to in the month between the

⁴² There is some uncertainty as to the date. The act adjourning the Assembly, printed in the "*Virginia Magazine of History and Biography*," IX, 58, has the 18th. The first day of the session after the adjournment the important "Declaration against the Company to be Entered as the 21st Act" was passed. In the reply of the king to this its date is given as the 1st of April. Hence the first of April is the date given above.

⁴³ The paper is taken from *Hening*, whose sources were the "Bland Manuscript" and the "Randolph Manuscript," the latter of which he calls, erroneously, "Ancient Records of the London Company, Vol. III." No copy of the paper has been found in England, nor has a copy of the petition that was sent, with this paper, to King Charles I been preserved. The great Civil War had started by the time the papers reached England, and they followed King Charles to York.

⁴⁴ Data are insufficient to allow one to make a positive statement. Laws on the subject before the 1645 law have not been preserved, and the lists of members that have been handed down give only the names of those actually present at the meetings.

2nd of *June* and the 1st of *July*, though copies of the laws passed have not been found.⁴⁵ The wording of the last paragraph of this paper seems to show that a large outlay of money had to be made for some purpose. This was undoubtedly to pay the expenses of the representative or representatives of the Colony who took the "Declaration against the Company" to the king, with the petition sent at the same time, and possibly money with which to purchase the king's favor or that of his ministers.

At the opening of this assembly Sir *Francis Wyatt* was governor, he having been sent over to succeed Governor *Harvey* in the latter part of 1639, and at its close Sir *William Berkeley* had assumed the reins of government. *Berkeley* came over some time before the first of *April*, and he signed the Declaration, taking the side of the majority of the Assembly and the country.

The papers were duly presented to the king, who on *July* 5 sent from *York* a most favorable reply, directed to the governor, Council, and Assembly.⁴⁶ Since the paper is so directed, it is printed in this volume as an Assembly document, and is not relegated to the Appendix as illustrative or cognate material. The Journal of the next session of Assembly in all probability contained it.

Grand Assembly of 1642/43.

THIS Assembly met the 2nd of *March*, 1642/43, and continued in session for some time, for it passed seventy-three laws, accomplished, in fact, a revival of the whole body of the laws; but no record of its proceedings has been found, nor any of the documents of the session. The laws are all printed in *Hening*, I, 238-282, from a manuscript volume now in the Library of Congress, which was purchased with the library of *Thomas Jefferson*.⁴⁷

Grand Assembly of 1643/44-44.

THIS Assembly met first on the 2nd of *March*, 1643/44, but as soon as the oaths of allegiance and supremacy were administered to the members, it was adjourned to the 1st of *June*, 1644. Then it met and passed the laws and orders of the session, the former of which have largely to do with means of protection against the *Indians*, who had recently, under the leadership of *Opeacancanough*, accomplished an extensive massacre of the colonists. Neither the laws nor the orders of the session are found in *Hening*, but are printed in the "*Virginia Magazine of History and Biography*," XXIII, 228-238, from a manuscript recently discovered in the office of the clerk of the court of *Norfolk* County in *Portsmouth, Virginia*. In this manuscript the laws and the orders are written in separate lists, which shows that by this time a clear distinction was made between the two. The orders are from this time on always introduced by the formula "it is ordered" or "be it ordered." In accordance with the precedent set in the volume of the "*Journals of the House of Burgesses*" immediately preceding this one, the orders of the Assembly from this session on are printed in the present volume.

The orders of the *June*, 1644, session will be found on page 71. They were passed on *June* 3. The session lasted only three days. It will be seen from the third order passed that the Assembly was not dissolved, but merely adjourned till the 15th of the following *November*.

⁴⁵ We see, however, in the laws of a later session several references to laws passed at this session, namely, in the following acts of the *March*, 1642/3, session: XLVIII, LIII, LIV, LV, LVI, LVII, LVIII, LIX, LXII, LXVII, LXIX.

⁴⁶ He attached his signature to their "Declaration against the Company to be Entered as the 21st Act," and thus this became a fixed law of the Colony, in so far as the king's signature in those times of upheaval could make it one. This seems to be the first instance in which a Virginia law was signed by the king of England.

⁴⁷ By *Hening* it is called the "Randolph Manuscript," it having been at one time the property of Sir John Randolph, from whom it was transmitted to his son, Peyton Randolph, after whose death it was purchased by Thomas Jefferson. This volume must not be confused with the "Randolph Manuscript" in the Virginia Historical Society library, which has been already described. It is a compilation embracing most of the laws and many of the orders passed by the General Assembly from 1642 to 1662, with a few excerpts from the Journals. For the period which it covers it is *Hening's* principal source.

Grand Assembly of *October*, 1644.

BEFORE the adjourned session of the Assembly of *June*, 1644, could be held, an entirely new Assembly was called together by Acting Governor *Richard Kemp* and the Council. Governor *Berkeley* had gone to *England* to get assistance in the emergency occasioned by the *Indian* massacre, and Secretary *Kemp* was acting-governor in his place. The laws passed at this session are printed in *Hening*.⁴⁸ The only order of the session—or the only order preserved—is printed in this volume on page 72, from the “*Virginia Magazine of History and Biography*,” whose source is the “*Norfolk County Manuscript*.”

Grand Assembly of *February*, 1644/45.

THE next Assembly called held a session in *February*, 1644/45, beginning the 17th of the month. The acts are all given in *Hening*,⁴⁹ with the exception of one, which is found in the “*Virginia Magazine of History and Biography*,” XXIII, 239, taken from the “*Norfolk County Manuscript*.”

Grand Assembly of 1645/46.

ANOTHER Assembly was called to meet on the 20th of *November*, 1645. By this time Governor *Berkeley* had returned from *England* and was in his proper place as chief of the Colony. All the laws passed at this session are found in *Henings*⁵⁰ except one, and this is printed on page 240 of Vol. XXIII of the “*Virginia Magazine of History and Biography*,” from the “*Norfolk County Manuscript*.”

The Assembly was not dissolved at the close of the session, the date of which cannot be given, but prorogued until the first of the following *March*. Meeting at that time, it passed twenty-five acts, all of which are given in *Hening*,⁵¹ and at least two orders, which are printed in this volume⁵² from the “*Virginia Magazine of History and Biography*,” XXIII, 241, whose source is the “*Norfolk County Manuscript*.”

Grand Assembly of *October*, 1646.

ANEW Assembly was called to meet on the 5th of *October*, 1646. It is not known how long the session lasted. Twenty-nine laws were passed, all of which are given in *Hening*.⁵³ However, Act XXVIII, which is the levy act of the session, is not given in full, that is, the amounts to be raised in each county and the amounts to be disbursed in each county are not given. These amounts, however, for Lower *Norfolk County*, are to be found in the “*Virginia Magazine of History and Biography*,” copied from the “*Norfolk County Manuscript*.”⁵⁴

⁴⁸ See *Hening*, I, 282-289.

⁴⁹ See *Hening*, I, 289-298.

⁵⁰ See *Hening*, I, 299-309.

⁵¹ See *Hening*, I, 309-321.

⁵² See p. 73.

⁵³ See *Hening*, I, 323-338.

⁵⁴ At that time in Virginia history a manuscript copy of the laws and orders passed at each session of the General Assembly was sent to the clerk of the county court in each county—that is, of all the general laws, but of the special and local laws and of the orders there were copies only of such as would be of local interest in the county to which any particular manuscript was sent. It was felt that it would not be necessary to send, for example, the private acts and orders affecting inhabitants of Northumberland County to Henrico or Charles City, or *vice versa*. It happens, accordingly, that some of these manuscript copies contain laws and orders not found in others.

Grand Assembly of 1647/48.

THIS Assembly met first the 5th of *April* and continued in session long enough to pass the two acts given in *Hening* on pp. 340-341 of volume one, and to draw up and adopt the "Declaration concerning the *Dutch Trade*" printed in this volume of the Journals on p. 74. *Hening* erroneously assigns the two acts to the *November* session of the Assembly. The correct date is ascertained from the "*Norfolk County Manuscript*."

The second act of this session is in part as follows:

"Be it enacted by this present Grand Assembly that the Assembly be adjourned until the first day of *October* next, and that all members of both houses do then give their attendance at *James City* without any pretence whatsoever to the contrary, * * * "ss

If the Assembly came together at that time, however, and presumably it did, for the law is plain, and the governor would hardly have prorogued the Assembly to a later date in the face of the law, it seems to have come together only long enough to pass an order to adjourn till the 3d of *November*. Meeting at that time, it passed the acts printed in Vol. I of *Hening* on pp. 341-352, and the acts and parts of acts printed on pp. 247-255 of Vol. XXIII of the "*Virginia Magazine of History and Biography*," from the "*Norfolk County Manuscript*."

This Assembly held another session, beginning the 12th of *October*, 1648, the laws passed at which are printed on pp. 352-357 of Vol. I of *Hening*.

The statement that this session was an adjourned session of the Assembly of 1647, and not the first session of a new Assembly, is made solely on the ground that no list of members of the Assembly is given in the manuscript before the acts. As has been stated, in the case of new assemblies the manuscript copies of the session laws give, invariably, it is supposed, the names of the members of the Assembly, but do not give them in the case of adjourned sessions. In the present case no list appears.

The last act of this session adjourned the Assembly to the 10th of *February*, 1649/50; but if any meeting took place at that time, no record has been preserved.

Grand Assembly of 1649.

THIS Assembly met the 10th of *October*, 1649, and passed the laws printed in *Hening* on pp. 359-362 of Vol. I., but nothing further is known in reference to it. This was the first assembly meeting after the execution of *Charles I.*

Grand Assembly of 1650/51.

THE *English* Parliament, on *October* 3, 1650,⁵⁶ passed an act forbidding all trade whatsoever between *Virginia* and the outside world, with the object, of course, of compelling *Virginia* to submit to Parliamentary control, the Colony having up to this time been most recalcitrant.⁵⁷ But the governor of *Virginia* and the majority of the Council and of the House of Burgesses looked upon the act as a threat which it would be impossible to enforce, and in a session of the Assembly that met in *March*, 1650/51, answered most defiantly. The speech of the governor to the Assembly and the declaration drawn up by the Assembly are printed from the "*Virginia Magazine of History and Biography*," I, 75-81, whose source was a copy in the *Virginia State Library* of a pamphlet in the Library of *Trinity College, Dublin, Ireland*.

⁵⁵ *Hening*, I, p. 341.

⁵⁶ The date as given in the Declaration of the Assembly printed on p. 76 of this volume is an error. It should be 1650 and not 1651.

⁵⁷ See the first act passed by the Assembly of 1649, *Hening*, I, 359-361.

The paragraph giving the proceedings of the Assembly after the governor had finished his fiery speech is as follows:

"This speech being ended the pretended Act of Parliament was publickly read in the Assembly where upon (at the motion of the House of Commons to the Governour and Councill) this following vindication was unanimously agreed on."

This seems to indicate that the House of Burgeses—here for the first time called "House of Commons," as it was occasionally afterward—at this session sat as a separate chamber. The meaning of the passage is taken to be that the act of Parliament was read to the two chambers in joint session and that the "vindication" "unanimously agreed on" was unanimously agreed on first by the House and then by the governor and Council.

Grand Assembly of 1651-1651/52.

A VERY interesting historical paper found among the records of *Northampton* County seems to indicate that a session of the Assembly was held in *September*, 1651, but of this session nothing further is known. One paragraph of the paper is as follows:

"*Imprimis.* Wee the Inhabitants of *Northampton* Countie doe complayne that from tyme to tyme (particular yeares past) wee have been submitted & bine obedient unto the paymt of publeq Taxacons. Butt after ye yeare 1647, since yt tyme wee Conceive & have found that ye taxes were very weightie. But in a more espetiall manner (undr favor) wee are very sensible of the Taxacon of fforty sixe pounds of tobacco p poll (this present yeare). And desire yt ye same bee taken off ye charge of ye Countie; furthermore wee alledge that after 1647, wee did understand & suppose or [our] Countie or *Northampton* to bee disioynted & sequestered from ye rest of *Virginia*. Therefore that Llawe wch requireth & inioyneth Taxacons from us to bee Arbitrarye & illegall; fforasmuch as wee had neither fummons for Ellecon of Burgeses nor voyce in their Assemblye (during the time aforefd) but only the Singlur Burges in *September, Ano.*, 1651. Wee conceive that wee may Lawfullie ptest agt the Pceedings in the Act of Assemblye for publiq Taxacons wch have relacon to *Northampton* Countie since ye year 1647."

The paper as a whole consists of a set of instructions drawn up for the guidance of the Burgeses for *Northampton* County in the *April*, 1652, Grand Assembly by a committee of the people of the county. It is dated *March 30*, 1652. It is printed in full in *Jennings Cropper Wife's "Early History of the Eastern Shore of Virginia,"* pp. 139-140.

The Assembly found out, contrary to expectations, that the Parliamentary government was prepared to force the Colony to capitulate. An *English* fleet of sufficient strength sailed up the *James* in the early spring of 1651/52, and the governor, after an appropriate show of resistance, very sensibly yielded. He called the members of the Assembly together, however,⁸⁸ and proceedings reminding one of the proceedings taking place in the case of two equal powers were carried through between the *Virginia* Assembly and the Parliamentary Commissioners, two out of three of them being themselves, indeed, *Virginians*. The Commissioners allowed the Assembly the most lenient terms, and the Colony acknowledged the supremacy of Parliament. The terms agreed on are contained in the paper entitled "Articles at the Surrender of the Country," agreed upon by the Commissioners and the Assembly, and in the subsidiary paper agreed upon by the Commissioners and the governor and Council, its articles having to do with the rights and privileges of Sir *William Berkeley* and the members of his Council under the new government that was to be set up. Both the papers are printed in this volume—on pages 79-81—the first of manifest right, it being in the strictest sense a document of the Assembly,

⁸⁸ It seems probable that this was not a new Assembly, but the Assembly which had already held a session in 1651.

and the second, though not a document of the whole Assembly, only a document of one branch of the Assembly, having so close a connection with that document that it would seem improper to separate the two. The proclamation of indemnity, called an "Act of Indemnity," issued by the Commissioners, is also given, to complete the story. It was, undoubtedly, communicated to and read before the Assembly, in this way becoming a document of the Assembly in much the same sense in which the letter of *Charles I* to the Assembly in 1642 became an Assembly document.

Grand Assembly of *April-May*, 1652.

THE Parliamentary Commissioners, having been given power by the Council of State in *England* to call a meeting of the Burgesses, proceeded to do so, in order to draw up a plan of government for the Colony till the government should be definitely arranged by the authorities in *England*, at this time, the spring of 1652, the Parliament, with the Council of State acting as an executive. This House of Burgesses and the Commissioners acting with them formed a kind of constitutional convention, and their work, owing to the peculiar situation of affairs existing in *England*, was allowed to stand, with little interference, till the close of the commonwealth period. According to the framework drawn up, the Burgesses were to be the seat of power, electing both the governor and the members of the Council, who were to assist the governor in executive and judicial matters. The Assembly at the start consisted of the members of the House of Burgesses and the Parliamentary Commissioners, and then, after the governor and members of the Council had been elected, of these in addition. It seems to have been unicameral throughout.

The Assembly met the 26th of *April* and remained in session for some time, though the exact date of adjournment cannot be given. It does not seem that any laws in the usual sense were passed, most of the time of the Assembly being taken up with constitutional questions. At least one petition, however, was handed in to the Assembly, which was granted. Unfortunately, the full proceedings have not been handed down, but the paragraphs that have been preserved, being dated and having in places somewhat of the journalistic style, have more of the appearance of a true journal than any proceedings going before.

The proceedings as printed in this volume are from two different original sources, namely, the Library of Congress "*Randolph Manuscript*," mentioned before, and a manuscript in the Library of Congress in the handwriting of *Thomas Jefferson*, called by *Hening* the "*Jefferson Manuscript*."⁵⁹ Most of what appears in these two manuscripts concerning the present session is printed in *Hening*;⁶⁰ but one paragraph in the "*Randolph Manuscript*" not used by *Hening* is found in the "*Virginia Magazine of History and Biography*," VIII, 386, 387.

⁵⁹ Jefferson wrote at the beginning of this manuscript, "Copied from Mercer's Ms. by Thos. Jefferson." The Mercer here spoken of was probably the distinguished lawyer, John Mercer, of "Marlborough," the author of the "Abridgement of the Laws of Virginia," the first edition of which was published at Williamsburg in 1737. The manuscript has in it some of the acts and orders passed at the several sessions from April 1652 to March, 1660/61, being much fuller for the last session covered than for any other.

⁶⁰ See *Hening*, I, 371-373.

Grand Assembly of *November*, 1652.

THE Assembly met again on the 25th of *November*, 1652. It does not seem to have passed any laws in the usual form—at any rate none of these has been handed down. It, however, considered a number of questions of importance, and gave judgment in reference to them by means of orders. Especially are the orders in the law cases, in which the Assembly acted as the court of last resort in *Virginia*, of interest. Appeals to the Assembly in law cases had been allowed for some time,⁶¹ and no doubt many cases had come up, but this is the first session for which we have record of them.

The sources of information for this session are the same as those given for the preceding session.

Grand Assembly of 1653.

THIS Assembly met the 5th of *July* and continued in session certainly till the 13th of the month, that being the last date given in such of the proceedings of the Assembly as have been preserved, and probably much longer.

The sources of the text of the proceedings printed in the present volume from *Hening* and the "*Virginia Magazine of History and Biography*" are the "*Randolph Manuscript*" of the Library of Congress, the "*Jefferson Manuscript*," and the "*Bland Manuscript*," the "*Virginia Magazine of History and Biography*" going back to the "*Bland Manuscript*" through the "*Randolph Manuscript*" of the *Virginia Historical Society*, which, as has been said, is a copy of the "*Bland Manuscript*" of the Library of Congress.

The "*Bland Manuscript*" is, as has also been said, a collection of transcripts and of abstracts of official *Virginia* records or possibly in some cases of copies of these. Usually such orders as are given are copied in full, and occasionally a few paragraphs are taken from the Journals of the several Assemblies, but, unfortunately, in no case has an entire Journal been copied, the compiler taking only such parts of the originals as seemed to him to be most important. The compiler, too, has not always done his work very satisfactorily, there being here and there evident errors in transcription, careless abstracting, and failure to copy a sufficient amount from the original records to give the full story of a transaction. The last of these faults is well illustrated in the case of the material appearing in this volume on pp. 86-88, especially that part of it giving the proceedings in the case of Captain *Abraham Read*. The full charge against Captain *Read* is given, Captain *Read*'s acknowledgment of his errors, and the order of the Assembly in the matter, with the date. But then, without date, comes the petition of the offender, which must have been written several days after the order of the Assembly—the wording of the petition shows this—and the disposition made of the petition is entirely omitted. Having commenced with the case of Captain *Read*, the compiler should have been careful to give the whole story, so far as the records permitted. Despite its imperfections, however, the "*Bland Manuscript*" is, in the loss of the original records, of the very highest importance as a source of *Virginia* history.

⁶¹ See *Hening*, I, 272.

Grand Assembly of 1654-55.

THIS Assembly held two sessions, one in *November*, 1654, and the other in the following *March*. The first session began on the 20th of *November*, but the date of its close is not known. Most of the orders and proceedings—such of them as have been preserved—are given in the present volume on pp. 93 and 94, from the sources described above. However, several of them and one or two sentences evidently from the Journal were overlooked because of a misunderstanding on the part of the editor of this volume of a statement made by *Hening*. This omitted material appears below. *Hening* says on p. 388 of Vol. I: “Here follow in the *Rand.* and *Bl.* Mfs. the decisions of the Grand Assembly, in various civil actions, but they are not of sufficient importance to justify their insertion.” The editor supposed from this that the “*Randolph Manuscript*”—that is, the “*Randolph Manuscript*” of the Library of Congress—and the “*Bland Manuscript*” had the same material which *Hening* omitted, and supplied in the text the material contained in the former of these manuscripts as given in the “*Virginia Magazine of History and Biography*,” VIII, 387, 388, but an examination of the “*Bland Manuscript*” shows that it does in fact contain additional material. This material is, of course, also in the *Virginia Historical Society* “*Randolph Manuscript*,” but it was not given in the “*Virginia Magazine of History and Biography*” when this periodical published such parts of the manuscript as had not already found their way into print, which was done some years after similar treatment had been given the Library of Congress “*Randolph Manuscript*.” The editor of the “*Virginia Magazine of History and Biography*” probably interpreted *Hening* as, later, the editor of the present volume of the Journals interpreted him. Hence the paragraphs of the “*Bland Manuscript*” omitted by *Hening* appear here, it is believed, for the first time in print. They are as follows:

“It is ordered by this present Grand Assembly in the Difference between Capt. *Thos. Willoughby* and *Bartholomew Hodgeskins* that *Hodgeskins* the then Sheriff is no way liable to make *Willoughby* any satisfaction and the former proceedings against the said *Willoughby* of the Assembly were grounded upon very good Reasons because it appeareth that the said *Willoughby* was not sworn nor acted as a Counsellor of this Country before the Levy was made which he refusing to pay occasioned all the Damage which in this petition he doth pretend to.

It is Ordered that the Suit between Capt. *Thos. Willowby* and Coll. *Francis Yeardley* be Dismissed and and that Capt. *Willowby* allow Cofts to Coll. *Yeardley*.

It is ordered that Leiut. Coll. *Swan* is not liable to give any satisfaction to *Karby Kiggan* or to be further molested by him for that we find not any action Entred against the party as appeareth by Certificate under the Cl. hand of that Cnty.

It appears that *Cornelius Loyd* Deçed was justly Indebted by his own acknowledgement^{m^t} in a Bond of five hundred pounds Sterling to *Edward Sanderfon* for which Judgment is now given.

It is Ordered that the Difference between *W^m Deynes* and *Tho^s Purfrey* be referred to the next session.

It is Ordered that M^r *Francis Emperour* Satisfye unto Coll. *Burbage* and Coll. *Dew* one third part of the advance laid upon the Cargoe of the Ship *John* and also to bear one third part of the Loss of the Goods of the Cargoe and a third part of the Charges Expended after the Sale of the ship because he hath Record'd a third part of the Cargo.

The Com. appointed to make inquiry of the dues of the Country and to proportion the Levies.

Majr. *John Carter* Capt. *Henry Perry* M^r *Wm. Walters* Capt. *John Moon* M^r *John Sheapheard*.”

The House and the Council had by this time evidently resumed the practice of sitting separately, as is concluded from several pieces of evidence in the proceedings. The first piece of evidence is furnished by the first order given. This was passed by the

House of Burgesses alone. It concerned the speaker of the House, Colonel *Edward Hill*, and, accordingly, it was not necessary that the Council should concur in it. The words, however, "it is therefore ordered by this house" show that there were two chambers, for, had there been only one—if the Council and the Burgesses had been fitting together—the wording would have been, as is the case with the other orders of the session, "it is ordered by the Assembly," or "the Grand Assembly." Secondly, the names of the House members of the Committee for Private Causes are given, and then the statement is made that Colonel *William Clayborne*, Colonel *William Taylor*, and *Edward Diggs, Esq.*, were added to the committee. These three gentlemen were members of the Council. Had there been only one chamber, there would have been no distinction in naming the committeemen. In the third place, the governor sent a communication to the House stating that the governor and Council had called Mr. *Edward Diggs* to be a member of the Council and asking that the House, or "Assembly," as he called the House, consent to the selection. It will be remembered that the House was the source of power at this time.

The Assembly adjourned to the 20th of *March, 1654/55*. The items given in this volume on pp. 95-98, under the heading "Some of the Proceedings of the 1654/55 Session," were all taken by the editor of the present volume, when the text of the volume was being secured, to belong to the 1654/55 session, despite difficulties, because the Library of Congress "*Randolph Manuscript*," the original source of the text, has the material in this order.⁶³

On further consideration it appears to the editor that the compiler of the manuscript has in fact, however, inserted several paragraphs that do not belong to the 1654/55 session, but to the 1655/56 session. He, beyond doubt, put the acts of the *March, 1655/56*, session before those of the *March, 1654/55*, session, dating both 1655,⁶⁴ and in the same way has confused somewhat the two sessions so far as the orders and extracts from the Journals are concerned. Unfortunately, the "*Bland Manuscript*" can be of no assistance in straightening out the tangle, for the reason that this manuscript has no entries for these two sessions, except the acts for the 1655/56 session. The "*Randolph Manuscript*" of the Library of Congress is our sole reliance, and the text given in this volume, on pp. 95-98, follows the order of that manuscript exactly, all the items being put under the 1654/55 session. However, an examination of the individual items shows that several should probably be assigned to the 1655/56 session, the first session of a new Assembly.

The list of members of the 1654/55 session, which was an adjourned session from the preceding *November*,⁶⁵ must have been about the same as the list for that session, which is given in the "*Randolph Manuscript*" of the Library of Congress, and printed in *Hening I*, 386, in *Stanard's "Colonial Virginia Register,"* pp. 71, 72, and in the present volume of the "Journals of the House of Burgesses," on p. xxii. A comparison of the names of the members of the Committee of Private Causes, the first item given, with the names of the members of the House for the *November, 1654*, session, and presumably for the *March, 1654/55*, session, shows that these do not correspond, and that accordingly this Committee of Private Causes must be for the 1655/56 session. It is true that this session of *March, 1654/55*, was adjourned to the following *March*,⁶⁶ and that the "*Randolph Manuscript*" gives no list of members, before the acts of the latter session, for that session, and that usually under such circumstances this would be taken to indicate that the *March, 1655/56*, session was a session adjourned from the *March, 1654/55*, session. This cannot be, however; for the acts of the *December, 1656*, session, as given in the "*Randolph Manuscript*" and

⁶³ For the confusion existing in the "*Randolph Manuscript*" in respect to the dating of the laws for the sessions of *March, 1654/55*, and *March, 1655/56*, see *Hening I*, 393-395, 404, 410. This confusion and the further confusion in reference to the orders and the excerpts from the Journals are the result, of course, of the use of the "old style" in dating some of the manuscript sources of the "*Randolph Manuscript*" and of the "new style" in dating others, and the failure of the compiler to make allowance for this.

⁶⁴ See *Hening, I*, 393, 404, 410.

⁶⁵ See p. 94.

⁶⁶ See p. 97.

printed in *Hening*, are headed as follows: "At a Grand Affembly held at *James Citty* by prorogation from the 10th of *March*, 1655, to this instant, firft of *December*, 1656, wherein was inacted as followeth." This fhows that the *March*, 1655/56, feffion was the firft feffion of a new Affembly; in other words, a general election had been held. Even if this evidence were lacking, the very names of the committee would warrant the affertion; for of the twelve Houfe members of the committee only two were members of the *November*, 1654, feffion, and it is unbelievable that unlefs there had been a general election the membership of the Houfe could have changed fo greatly. Moreover, Colonel *Thomas Dew* is recorded as one of the two Council members added to this committee. Now, Colonel *Dew* was a member of the Houfe at the *November*, 1654, feffion, and at the *March*, 1654/55, feffion till *March* 31, 1655, when he was elected by the Houfe a member of the Council.⁶⁶

Almost certainly, then, this committee belonged to the 1655/56 feffion, which was the firft feffion of a new Affembly that held its fecond and final feffion in *December*, 1656. By fimilar reasoning the Committee for the Levy and the Committee concerning the Act for Markets belong to the *March*, 1655/56, feffion, and poffibly the two items in reference to Mr. *John Page* and Colonel *John Flood*. Other items, poffibly—in fact, probably, for there is no reason to think that the 1655/56 feffion was lefs active than its immediate predeceffor—belong to the later feffion, but fufficient data are not at hand for identification.

Grand Affembly of 1655/56-56.

THIS Affembly, as did the Affembly of 1654/55, held two feffions, the firft in *March*, 1655/56, and the fecond in the following *December*. Of the firft feffion of the Affembly fufficient has been faid above. The fecond feffion began the firft of *December* and continued certainly through the 15th—for two letters written by the Affembly bear that date—and poffibly longer. It paffed various acts and orders, given in the manuscripts already defcribed, fome of them in one manuscript and fome in another, printed in *Hening's* "Statutes at Large" and the "*Virginia Magazine of Hiftory and Biography*,"⁶⁷ and drew up letters to *Oliver Cromwell*, lord protector, and *John Thurlow*, fecretary of ftate, and inftructions to *Edward Diggs*, appointed agent of the Colony in *England*. All the orders are printed in this book, including one claffed by *Hening*, by oversight, as an act, as are the letters and inftructions referred to above, which are printed from *Burk's* "*Hiftory of Virginia*," II, 116-117, *Burk* having copied them from the "*Bland Manuscript*."

⁶⁶ See p. 97.

⁶⁷ See *Hening*, I, 414-428, and the "*Virginia Magazine of Hiftory and Biography*," XVII, 128-132, and VIII, 390-391.

Grand Assembly of 1657/58-58.

THIS assembly met the 13th of *March*, 1657/58, and continued in session certainly through the 3rd of *April*, 1658, and possibly longer. The proceedings printed in this volume are not the full Journal of the House for this session, but they come much nearer being a full Journal than any proceedings which have gone before, and are evidently—except in the case of the few orders of the whole Assembly preserved and printed—the proceedings of the House alone.

The session was an unusually important one. At it was passed a body of revised laws, one hundred and thirty-one in number, prepared by a committee of revival appointed at the preceding session,⁶⁸ and there occurred a stiff dispute between the House of Burgesses and the governor and Council as to the relative powers of the two, the House coming off triumphant. Fortunately, the compiler of the Library of Congress "*Randolph Manuscript*," to which the text given in this volume goes back, gives sufficiently full extracts from the original Journal to enable the reader to get a pretty clear understanding of the situation. The proceedings as printed in this volume follow the order as given in the "*Randolph Manuscript*;" and one or two items omitted both by Hening and in the "*Virginia Magazine of History and Biography*" have been inserted.

The House on *March* 26 voted that at the close of the session the Assembly should not be dissolved, but should be adjourned to the 1st of *November*.⁶⁹ Whether or not it met at that time is not known, none of the proceedings having been preserved.

Grand Assembly of 1658/59.

THE next session of Assembly—and it was a session of a new Assembly—began the 7th of *March*, 1658/59, and continued through the 15th of *March*—which is the date of the last proceedings given in the Library of Congress "*Randolph Manuscript*"—and probably longer. Very important laws were passed⁷⁰ and constitutional questions settled. As in the case of the proceedings of the preceding session, the material printed, the Library of Congress "*Randolph Manuscript*" being the source, has been given in the order in which it appears in that manuscript. As in the former case, the proceedings are those of the House sitting separate from the Council and have the appearance of the later Journals of the House. Much material in the original Journal, however, is evidently omitted.

The Appendix.

The material in the Appendix may be described briefly as follows:

The first paper is a law drawn up by the governor and Council in the period after the revocation of the charter of the *London Company* and before the meeting of the first Grand Assembly called together by authority of the king. The term "law" seems to be the proper one in the premises, for during that period the governor and Council made up the law-making body as constituted by the proper authorities in *England*. The law seems to have a warrant to be inserted here because it furnishes an interesting example of the kind of laws promulgated by the governor and Council at this time, and it has—so far as the editor of the volume knows—never been printed before. The original is a manuscript in the Library of Congress which is almost certainly the original copy of the law preserved by the clerk of the Council.

⁶⁸ For these laws, see Hening, I, 432-494.

⁶⁹ See p. 107.

⁷⁰ Hening, I, 516-525.

The next three papers are letters written by the governor and Council at the close of the Grand Assembly of 1628/29 to powerful noblemen in *England* requesting their influence in the prevention of the tobacco monopoly at that time under contemplation by the king. They supplement the papers drawn up by the whole Assembly, and are the letters referred to in the commission of the General Assembly to Sir *Francis Wyatt*, Mr. *Edward Bennett*, and Mr. *Michael Marshart* constituting them agents to manage the case of *Virginia* at this important juncture.⁷¹ They are directed, respectively, to Viscount *Mandeville*, the Earl of *Dorsett*, and Lord *Delaware*. The first of these, *Henry Montagu*, Viscount *Mandeville*, was at that time president of the Privy Council; the second, *Edward Sackville*, the Earl of *Dorsett*, was a member of the Privy Council, had always shown great interest in *Virginia* affairs, and was to be appointed in 1631 a member of the commission named to advise some course for the advancement of the planting of *Virginia*; the third, *Henry West*, Lord *Delaware*, was the son of the Lord *Delaware* so closely connected with the earlier history of the Colony.

The text is obtained from contemporary copies of the originals, these copies being now in the Library of Congress. The letters have never been printed in full before.

The original of the next paper, which is in the *British* Public Record Office, the text here presented being from the "*Bancroft* Transcripts," has endorsed on it in the handwriting of Viscount *Dorchester*, Secretary of State, "The Government of *Virginia*'s Memorial." The form of it, however, shows it to be, not the memorial as drawn up by the government—that is, the governor and Council—of *Virginia*, but the substance of this memorial as made by Viscount *Dorchester*, or, possibly, made for him by a clerk. The paper is not dated, but is in the "Calendar of State Papers" given the date of "April ?, 1630." It is inserted here merely because it is of interest as throwing light on the history of the time and because it has never been printed before.

The next document, printed on pp. 124, 125, is a letter from the governor and Council of *Virginia* to the commissioners named in *England* in 1630 to examine into the condition of *Virginia* and suggest means for its improvement. It is the companion paper of the petition drawn up at the same time by the House of Burgesses,⁷² and is, like that paper, erroneously said in the heading given it by the editor, following the "*Bland* Manuscript," to be directed to the Privy Council.⁷³

The printing of the twentieth act of the Grand Assembly of 1636/37, next in order, was decided on, because this act, not given in *Hening*, and not printed in full anywhere, so far as is known to the editor, is the sole existing discovered monument of the Assembly which brought it into being.

The letter from *Richard Kemp*, Secretary of the Colony of *Virginia*, to Sir *Francis Windebank*, Secretary of State, dated *April* 6, 1638, gives a contemporary account of the important session of the Assembly of 1637/38, and is, therefore, of course, well entitled to a place in this Appendix.

The bill of sale of the ship *Leopoldus* to *Walter Chiles* is of importance as showing the participation of the House of Burgesses in the commonwealth period in executive transactions. For the order of Assembly setting forth that the ship should be sold, see p. 91.

The letter from *Henry Lawrence*, Lord President, and Council of State to the governor and General Assembly of *Virginia*—the term "General Assembly" is used in the letter, and not "Grand Assembly," though the latter was the term used in *Virginia* at the time for the colonial legislature—might from one point of view have been more properly printed in the body of this volume than in the Appendix, for it is a communication to the General Assembly, such a communication as the letter from King *Charles* I to the governor, Council, and Assembly of *Virginia* printed on p. 70. Such a communication was always undoubtedly read before the full Assembly at the session following receipt and spread upon the Journal, certainly of the House, and possibly of the Council if at that time the

⁷¹ See pp. 50, 51.

⁷² See pp. 55, 56.

⁷³ See the statement on p. xxxiii of this Preface in reference to the error.

Council kept a Journal of their proceedings as a branch of the legislative body, which, indeed, is very doubtful. Thus from the point of view of *Virginia* the letter would become a legislative document. If this letter was actually sent to *Virginia* and received there, it would have been read at the session held in *November, 1654*, and spread upon the Journals, and certainly the compiler of the Library of Congress "*Randolph Manuscript*" or the compiler of the "*Bland Manuscript*" would have thought it of sufficient importance for him to copy it in full. It has, however, been noticed by neither. Furthermore, the letter contains the following injunction relative to the continuance of Colonel *Bennett* in the office of governor of *Virginia*: "And to the intent it may not suffer any Inconvenience by the unfixednes of the governm^t His Highnes hath though fitt to Continue Colonnell *Bennett* (of whom his Highnes hath received a good Character) in execution of the place of Governo^r, till his Highnes shall further signifie his pleasure in that behalf, which you may in probability expect by the next Ships." However, the fact is that, though so far as is known no further communication was in the meanwhile received on the subject in *Virginia*, the House of Burgeffes on *March 31, 1655*, elected *Edward Diggs* as governor. It is argued that had the House of Burgeffes had the letter from which the above extract is taken, they would hardly have been so bold as to go counter to the instruction. Since, then, some uncertainty exists as to whether the letter was received in *Virginia*, it has been printed in the Appendix to this volume rather than in the main body of the volume.

The next paper in the Appendix, namely, the order of the Council of State in *England* in reference to the appointment of a governor in *Virginia*, dated *December 18, 1657*, is merely given as interesting and important subsidiary historical material, although nothing came of the recommendation to the lord protector made therein.

The next paper, namely, the order of the House of Burgeffes in the 1657/58 session naming the governor and Council of *Virginia* until the next meeting of the Assembly or until the further pleasure of the supreme power in *England* should be known, should have been printed, undoubtedly, in the body of this volume, as are the similar orders of the Commonwealth period,⁷⁴ but was omitted by oversight. However, the same list is given in the proceedings on p. 113, but not in the same order. It will be seen from what is there given that the governor named the members of the Council in the first place, and that they were confirmed by the House. The order given in the Appendix is the formal order placed in front of the laws for the year. It should be dated some time after the 3d of *April*, the date of entry in the Journal, above referred to.

The paper next in order is the order of the Council of State, dated *August 31, 1658*, setting forth the reasons why they were impelled to write a letter of advice and instruction to the governor and Council of *Virginia*, and giving the letter in full. Before the letter could be dispatched, however, *Oliver Cromwell* died, and it was necessary to change somewhat the wording.

The changed letter duly appears incorporated in the Journal of the House of Burgeffes for the 1658/59 session and was copied therefrom in full by the compiler of the Library of Congress "*Randolph Manuscript*." Accordingly, it appears in the body of this volume.

The last paper appearing in this Appendix consists of certain orders of the *March, 1660/61*, Assembly, and should have been printed in the preceding volume of this series with the mass of other orders of that session printed there,⁷⁵ but they were not found by the editor in time. They are printed here from the "*Virginia Magazine of History and Biography*," from the Library of Congress "*Randolph Manuscript*," which is the source of those, also, printed in the preceding volume from *Hening's* "Statutes at Large."

⁷⁴ See pp. 82 and 97.

⁷⁵ See "Journals of the House of Burgeffes, 1659/60-1693," pp. 11-13.

A REPORTE

of the Manner of Proceeding

in the

GENERAL ASSEMBLY

Convented at

JAMES CITY IN VIRGINIA,

JULY 30. 1619

Consisting of the Govern^{or}, the Counsell of Estate, and
two Burgeses elected out of eache Incorporation, &
Plantation, & being dissolved the 4th of *August* ensuing.



RICHMOND, VIRGINIA.

MCMXV.

A REPORTE

of the manner of proceeding
in the

GENERAL ASSEMBLY

convented at *James Citty* in *Virginia*, *July 30. 1619* confisting
of the Govern^{or}, the Counsell of Estate, and two Burgeffes
elected out of eache Incorporation, & Plantation, & being
diffolved the 4th of *August*, ensuing.

FIRST Sir *George Yeardley* Knight Govern^{or} & Captaine general of *Virginia*,
having sent his fumons all over the Countrey, as well to invite those of the
Counsell of State that were absente as also for the Election of Burgeffes there
were chosen and appeared,

For *James Citty*

Captaine *William Powell*,

Ensigne *William Spence*,

For *Charles Citty*

Samuel Sharpe,

Samuel Jordan,

For the Citty of *Henricus*

Thomas Dowse,

John Polentine,

For *Kiccowntan*,

Captaine *William Tucker*,

William Capp,

For *Martin-Brandon* Cap^t. *John Martins* Plant^a

M^r *Thomas Davis*,

M^r *Robert Stacy*.

For *Smythes Hundred*

Captaine *Thomas Graves*,

M^r *Walter Shelley*.

For *Martins Hundred*,

M^r *John Boys*,

John Jackson

For *Argalls guiffe*

M^r *Pawlett*,

M^r *Gourgainy*.

For *Flower dieu Hundred*

Ensigne *Roffingham*,

M^r *Jefferson*,

For Captaines *Lawnes* Plantation

Cap^t *Christopher Lawne*,

Ensigne *Washer*.

For Captaine *Wardes* Plantation

Captaine *Warde*,

Lieutenant *Gibbes*.

The most convenient place we could finde to fitt in was the Quire of the Church, Where Sir *George Yeardley* the Governour being sett downe in his accustomed place, those of the Councel of Estate fate nexte him on both handes excepte onely the Secretary then appointed Speaker, who fate right before him; *John Twine* clerke of the General Affembly being placed nexte the Speaker and *Thomas Pierse* the Sergeant standing at the barre, to be ready for any service the Affembly should comānd him. But for as muche as mens affaires doe little prosper where Gods service is neglected; all the Burgeffes took their places in the Quire, till a Prayer was said by M^r *Bucke*, the Minister, that it would please God to guide us & sanctifie all our proceedings to his owne glory, and the good of this Plantation, Prayer being ended, to the intente that as wee had begun at God Almighty for wee might proceed wth awful and due respecte towards his Lieutenant, our most gracious & dread Sovereigne, all the Burgeffes were intreated to retyre themselves into the body of the Church; w^{ch} being done, before they were fully admitted, they were called in order & by name, & so every man (none staggering at it) tooke the oathe of Supremacy, & then entered the Affembly, At Captaine *Warde* the Speaker tooke exception, as at one that without any Comission or authority, had seattered himselfe either upon the Companies, and then his Plantation could not be lawfull, or on Captaine *Martins* Lande, and so he was but a limbe or member of him, & so there could be but two Burgeffes for all. So Captaine *Warde* was comānded to absente himselfe, till such time as the Affembly had agreed what was fitt for him to doe. After muche debate they resolved on this order following,

An order concluded by the General Affembly concerning Captaine *Warde*
July 30th 1619 at the opening of the said Affembly.

At the reading of the names of the Burgeffes Exception was taken ag^t Cap^t *Warde* as having planted here in *Virginia*, without any authority or comission from the Tresurer Counsell & Company in *Englande*, But considering he had bene at so great chardge & paines to augmente this Colony, and had adventured his owne person in the action, and since that time had brought home a goode quantity of fishe to relieve the Colony by waye of trade; and above all, because the Comission for authorising the General Affembly admitteth of two Burgeffes out of every plantation with out restrainte or exception, Upon all these considerations the Affembly was contented to admitt of him & his Lieutenant (as members of their body & Burgeffes into their society, provided that the said Captaine *Warde*, wth all expedition, that is to saye, between this & the nexte genera Affembly (all lawful impediments excepted) should procure from the Tresurer & Counsell & Company in *Englande* a comission lawfully to establishe & plant himselfe & his Company, as the Chiefes of other Plantations have done, And in case he doe neglect this, he is to stande to the censure of the nexte Generall Affembly. To this Captaine *Warde*, in the presence of us all, having given his consente, and undertaken to performe the same, was together wth his Lieu^{tt}, by the voices of the whole Affembly first admitted to take the oathe of Supremacy & then to make up their number, & to fitt amongst them.

This being done, the Governour himselfe alledged that before we proceeded any further, it behooved us to examine, whither it were fitt, that Captaine *Martins* Burgeffes shoulde have any place in the Affembly, for as muche as he hath a clause in his Patente w^{ch} doth not onely exempte him from that equality & uniformity of Lawes & orders, w^{ch} the great charter saith, are to extende over the whole Colony, but also from diverse suche lawes as we must be enforced to make in the general Affembly, That clause is as followeth, Item, That it shall and may be lawfull to & for the said Cap^t *John Martin* his heyers, executours and assignes, to governe, & comāunde all such person or persons, as at this time he shall carry over with him, or that shall be sente him hereafter, free from any comāunde of the Colony, excepte it be in ayding & assisting the same ag^t any forren or domestical Enemy,

Upon

Upon the Motion of the Governour, discussed the same time in the Assembly, ensued this order following

An Order of the General Assembly touching a clause in Captaine *Martins* Patente at *James City* July 30, 1619.

After all the Burgeffes had taken the oath of supremacy, & were admitted into the House, & all sett downe in their places, a copie of Captaine *Martins* Patente was produced by the Governour out of a Clause whereof it appeared, that when the general Assembly had made some kinde of lawes requisite for the whole Colony, he and his Burgeffes & people might deride the whole company & chuse whether they would obey the same or no It was therefore ordered in Courte, that the foresaid two Burgeffes should wthdrawe themselves out of the Assembly till such time as Captaine *Martin* had made his personall appearance before them, At what time if upon their motion he would be contente to quitte & give over that parte of his Patente, and contrary therunto would submitte himselfe to the generall forme of governement as all others did, that then his Burgeffes should be readmitted, otherwise they were utterly to be excluded, as being spies, rather than loyal Burgeffes; because they had offered themselves to be assistant at the making of the Lawes, w^{ch} both themselves, and those whom they represented might chuse whether they would obey or not.

Then came in a complainte agst Captaine *Martin* that having sente his Shallop to trade for corne into the baye under the comāunde of Ensigne *Harrison*, the saide Ensigne should affirme to one *Thomas Davis*, of *Paspahighs*, Gent (as the saide *Thomas Davis* depofed upon oathe) that they had made a harde voiage, had they not mett wth a Canoa coming out of a creeke, where their Shallop could not goe, For the Indians refusing to sell their Corne, those of the shallop entered the Canoa wth their armes & tooke it by force, measuring out the corne wth a baskett they had, into the shallop and (as the saide Ensigne *Harrison* saith) given them satisfaction in Copper, Beades, and other trucking Stuffe, Hitherto M^r *Davys* upon his oath.

Further more it was signified from *Opochancano* to the Governour that these people had complained to him to procure them iustice, For w^{ch} considerations & because suche outrages as this might breed danger and losse of life to others of the Colony, w^{ch} should have leave to trade in the Baye hereafter, & for prevention of the like violences agst the Indians in time to come, this order following was agreed on by the Generall Assembly :

A second order made against Captaine *Martin*, at *James City*, July 30th 1619.

It was also ordered by the Assembly the same daye, that in case Captaine *Martin* and the ging of his shallop could not throughly answer an accusation of an outrage committed against a certaine Canoa of Indians in the Baye, that then it was thought reason (his Patente notwithstanding the authority whereof he had in that case abused) he should from henceforth take leave of the Governor as other men, & should putt in security, that his people shall committe no such outrage any more

Upon this a letter or warrant was drawn in the name of the whole Assembly to summon Captaine *Martin* to appeare before them in forme following:

By the Govern^r and generall Assembly of *Virginia*.

Captaine *Martine*, we are to request you upon sight hereof, with all convenient speed to repaire hither to *James City*, to treat & conferre wth us about some matters of espiciale importance, w^{ch} concerne both us, and the whole Colony, & your selfe, And of this we pray you not to faile,

James City, July 30th 1619.

To our very loving friend Capt^{ne} *John Martin* Esquire, Master of the Ordinance.

These obstacles removed, the Speaker, who a long time had bene extreame sickly, and therefore not able to passe through long harangues, delivered in briefe to the whole assembly the occasions of their meeting, W^{ch} done, he read unto them the comission for establishing the Counsell of Estate & the Generall Assembly, wherein their duties were described to the life,

Having

Having thus prepared them, he read over unto them the greate Charter or comiffion of priviledges, orders & lawes fente by Sir *George Yeardly* out of *Englande* w^{ch} for the more ease of the Committees, having divided into fower books, he read the former two the same forenoon, for expeditions sake, a second time over, & so they were referred to the perufall of twoe Comittees, w^{ch} did reciprocally confider of either, & accordingly brought in their opinions, But some man may here objecte to what ende we shoulde presume to refferre that to the examination of Committees, w^{ch} the Counsell & Company in *Englande* had already resolved to be perfect & did expecte nothings but our assente there unto. To this we answere, that we did it not to the ende to correcte or controll any thing therein contained, but onely in case we should finde ought not perfectly squaring wth the state of this Colony, or any lawe w^{ch} did presse or binde too harde, that wee might by waye of humble petition seeke to have it redressed; especially because this great Charter is to binde us & our heyers for ever.

The names of the Comittees for perusing the first booke of the fower:

- | | |
|------------------------------------|---------------------------------|
| 1. Captain <i>William Powell</i> , | 2. Ensigne <i>Rofingham</i> , |
| 3. Captaine <i>Warde</i> , | 4. Captaine <i>Tucker</i> , |
| 5. M ^r <i>Shelley</i> , | 6. <i>Thomas Doufe</i> , |
| 7. <i>Samuel Jordan</i> , | 8. M ^r <i>Boys</i> . |

The names of the Comittees for perusing the second booke:

- | | |
|--------------------------------------|------------------------------------|
| 1. Captaine <i>Lawne</i> , | 2. Captaine <i>Graves</i> , |
| 3. Ensigne <i>Spence</i> , | 4. <i>Samuel Sharpe</i> , |
| 5. <i>William Cap</i> , | 6. M ^r <i>Pawlett</i> , |
| 7. M ^r <i>Jefferson</i> , | 8. M ^r <i>Jackson</i> . |

These Comittees thus appointed, we brake up the first forenoons Asssembly.

After dinner the Governo^r and those that were not of the Comittees fate a seconde time, while the said Comittees were employed in the perufall of those twoe bookes. And whereas the Speaker had propounded fower severall objects for the Asssembly to confider on namely first, the great charter of orders, lawes & priviledges, Secondly which of the instructions given by the Counsell in *England* to my Lord *le Warre*, Captaine *Argall* or Sir *George Yeardley*, might conveniently putt on the habite of Lawes; Thirdly what Lawes might issue out of the private concepte of any of the Burgeffes, or any other of the Colony; & lastly what petitions were fitt to be fente home for *Englande* It pleased the Governo^r for expeditions sake to have the second objecte of the fower to be examined & prepared by himselfe and the non Comittee. Wherein after having spent some three houres conference, the twoe Comittees brought in their opinions concerning the twoe former bookes (the second of w^{ch} beginneth at these wordes of the Charter.) And forasmuche as our intente is to establissh one equall & uniforme kinde of government over all *Virginia* &c) w^{ch} the whole Asssembly, because it was late deferred to treatt of till the next morning.

Saturday July 31.

THE nexte daye therefore out of the opinions of the said Comittees, it was agreed, those Petitions ensuing should be framed, to be presented to the Treasurer Counsell & Company in *England*. Upon the Comittees perufall of the first Book, the Generall Asssembly, doe become most humble suitours to their lo^{ps} and to the rest of that hon^{ble} Counsell and renowned Company, that albeit they have bene pleas'd to allotte unto the Govern^r to themselves together wth the Counsell of Estate here, & to the Officers of Incorporations, certain large portions of lande to be layde out wthin the limites of the same, yet that they would vouchsafe also, that such groundes as heretofore had bene granted by patent to the antient Planters by former Governours, that had from the Company received Comiffion so to doe, might not now, after so much labour & coste, & so many yeares habitation be taken from them. And

to the ende that no man might doe or suffer any wrong in this kinde, that they woulde favour us so muche (if they meane to graunte this our petition) as to fende us notice, what comission or authority for graunting of landes they have given to eache particular Governour in times paste.

The seconde petition of the General Asssembly framed by the Comittées out of the second book is, that the Tresurer & Company in *England* would be pleased wth as muche convenient speede as may bee to fende men hither to occupie their landes belonging to the fower Incorporations, as well for their owne behoofe and proffitt as for the maintenance of the Counsell of Estate, who are nowe to their extream hindrance often drawn far from their private busines, & likewise that they will have a care to fende tenants to the ministers of the fower Incorporations to manure their gleab, to the intente that the allowance they have allotted them of 200 li. a yeare may the more easily be raised.

The thirde Petition humbly presented by this General Asssembly to the Tresurer, Counsell & Comp^y is, that it may plainly be expressed in the great Comission (as indeed it is not) that the antient Planters of both sortes, viz., suche as before Sir *Thomas Dales* departure were come hither upon their owne charges, and suche also as were brought hether upon the Companies coste, maye have their second, third, & more divisions successively in as lardge and free manner as any other Planters. Also that they will be pleased to allowe to the male children, of them & of all others begotten in *Virginia*, being the onely hope of a Posterity, a single share a piece, and shares for their wives as for themselves, because that in a newe plantation it is not knowen whether man or woman be the most necessary.

Their fourth Petition is to beseech the Tresurer Counsell & Company that they would be pleased to appoint a Sub-Tresurer here to collecte their rentes, to the ende that the Inhabitants of this Colony be not tyed to an impossibility of paying the same yearly to the Tresurer in *England*, & that they would enjoin the said Sub Tresurer not precisely according to the Letter of the Charter to exacte mony of us (whereof we have none at all, as we have no minte) but the true value of the rente in comodity.

The fifté Petition is to beseeche the Tresurer the Counsell & Company, that towards the erecting of the Univerfity and Colledge, they will fende, when they shall thinke most convenient, workmen of all sortes fitt for that purpose.

The sixte and laste is, that they will be pleased to change the savage name of *Kiccowtan*, & to give that Incorporation a newe name.

These are the severall Petitions drawn by the Comittées out of the two former bookes w^{ch} the whole general Asssembly in maner & forme above sett downe doe most humbly offer up and present to the favourable construction of the Tresurer Counsell & Company in *England*,

These petitions thus concluded on, those twoé Comittées broughte in a reporte, what they had observed in the two latter bookes, w^{ch} was nothing else, but that the perfection of them was suche as they could finde nothing therein subject to exception. Only the Govern^{rs} particular opinion to my selfe in private hathe bene, as touching a clause in the thirde booke, that in these doubtfull times between us and the Indians, it would behoove us not to make so lardge distances between Plantation & Plantation as ten miles but for our more strength & security to drawe nearer together.

At the same time, there remaining no farther scruple in the mindes of the Asssembly touching the said great Charter of Lawes orders and priviledges, the Speaker putt the same to the question, & so it had both the general assent & the applause of the whole Asssembly; who as they professed themselves in the first place most submissively thankfull to Almighty God therefore, so they commaunded the Speaker to returne (as nowe he doth) their due and humble thanks to the Tresurer, Counsell & Company for so many priviledges & favours as well in their owne names, as in the names of the whole Colony whom they represented.

This being dispatched, we fell once more to debating of suche instructions given by the Counsell in *England* to severall Govern^{rs} as might be converted into lawes, the last whereof

whereof was the establishment of the price of Tobacco, namely of the best at 3s and of the second at 18d the pounce. At the reading of this the Assembly thought good to send for M^r *Abraham Perfey*, the Cape Marchant to publish this instruction to him, & to demande of him if he knewe any impediment why it might not be admitted of. His answer was that he had not as yet received any such order from the Adventurers of the Magazin in *England*, And notwithstanding he sawe the authority was good, yet he was unwilling to yield, till such time as the Gov^r & Assembly had layd their commandment upon him, out of the authority of the foresaid Instructions as followeth:

By the General Assembly

We will & require you, M^r *Abraham Perfey*, Cape Marchant, from this daye forward to take notice, that according to an article in the Instructions confirmed by the Treasurer, Counsell & Company in *Englande* at a General quarter Courte, bothe by voices and under their handes & the Common seale, and given to Sir *George Yeardley*, Knight, this present governour, Dec^r 1, 1618, that you are bounde to accepte of the Tobacco of the Colony, either for commodities or upon bills at three shillings the best, & the second forte at 18d the pounce, and this shall be your sufficient discharge.

James Citty out of the said General Assembly July 31, 1619.

At the same time the Instructions convertible into Lawes were referred to the consideration of the above named Committees, viz., the general Instructions to the first Committee and the particular Instructions to the second, to be returned by them into the Assembly on *Munday Morning*.

Sunday Aug. 1

MR. *SHELLEY* one of the Burgeses deceased.

Monday Aug. 2

CAPTAIN *John Martin* (according to the summons sent him on *Friday, July, 30.*) made his personall appearance at the barre, when as the Speaker having, first read unto him the orders of the Assembly that concerned him, he pleaded largely for himself to them both, & indevoured to answer some other things that were objected ag^t his Patente, In fine being demanded out of the former order, whether he would quitte that clause of his Patent, w^{ch} (quite otherwise then Sir *William Throckmortons*, Captain *Christopher Lawnes*, and other mens patentes) exempteth himselfe & his people from all services of the Colonie, excepte onely in case of warre ag^t a forren or domesticall eneme. His answer was negative, that he would not infringe any parte of his Patente. Whereupon it was resolved by the Assembly, that his Burgeses should have no admittance.

To the second order his answer was affirmative, namely, that (his Patente notwithstanding) whensoever he should sende into the Baye, to trade, he would be contente to putt in security to the Governour for the good behaviour of his people towards the Indians.

It was at the same time further ordered by the Assembly that the Speaker in their names should (as he nowe doe) humbly demande of the Treasurer Counsell and Company an exposition of this one clause in Captaine *Martins* Patente, namely where it is said, That he is to enjoye his landes in as large & ample a manner to all intentes & purposes, as any Lord of any manours in *England* doth holde his grounde, out of w^{ch} some have collected

¹ The cape merchant, or cap-merchant (that is, head merchant), was the officer in charge of the company's supplies.

collected, that he might by the same graunte protecte men, from paying their debtes, and from diverse other dangers of Lawe, The least the Asssembly can alledge against this clause is, that it is obscure, & that it is a thing impossible for us here to know the Prerogatives of all the Manours in *Englande*. The Asssembly therefore humbly beseecheth their L^{op}s & the rest of the Hon^{ble} boarde, that in case they shall finde any thing in this or in any other parte of his graunte, whereby that clause towards the conclusion of the great charter (*viz* that all grauntes as well of the one sorte as of the other respectively, be made wth equall favour & graunts of like liberties & imunities as neer as may be, to the ende that all complaints of partiality and unindifferency may be avoided) might in any sorte be contradicted; or the uniformity and equality of lawes & orders extending over the whole Colony might be impeached; That they would be pleased to remove any such hinderance, as may divert out of the true course the free & publique current of Justice.

Upon the same grounds & reason their L^{op}s together with the rest of the Councell & Company, are humbly besought by the Generale Asssembly, that if in that other clause w^{ch} exempteth Captaine *Martin* & his people from all services of the Colony &c they shall finde any resistance ag^t that equality and uniformity of Lawes & orders intended nowe by them to be established over the whole Colony, that they would be pleased to reforme it.

In fine, whereas Captaine *Martin* for those ten shares allowed him for his personal adventure, & for his adventure of 70^{li} besides doth claime 500 acres a share: that the Treasurer, Councell & Company would vouchsafe to give notice to the Governour here, what kinde of shares they meante he should have, when they gave him his Patente.

The premises about Captaine *Martin* thus resolved the Committie appointed to consider, what instructions are fitt to be converted into Lawes, brought in their opinions, & first of some of the general instructions.

Here begin the lawes drawn out of the Instructions given by his Mat^{ies} Councell of *Virginia* in *England* to My Lo: *La warre*, Captaine *Argall*, & Sir *George Yeardly*, knight.

By this present General Asssembly be it enacted that noe injury or oppression be wrought by the *English* ag^t the Indians whereby the present peace might be disturbed, & antient quarrels might be revived. And farther be it ordained that the *Chicohomini* are not to be excepted out of this Lawe, untill either that such order come out of *Englande*, or that they doe provoke us by some newe injury

Against Idleness, gaming, drunkennes, & excessse in apparel, the Asssembly hath enacted as followeth

First in detestation of Idlers, be it enacted, that if any man be founde, to live as an Idler or runegate though a freed man, it shall be lawfull for that Incorporation or Plantation to w^{ch} he belongeth to appoint him a M^r to serve for wages till he shewe apparant signes of amendment.

Against gaming at Dice & Cardes be it ordained by this present Asssembly, that the winner or winners shall lose all his or their winnings & both winners & loofers shall forsaite ten shillings a man, one ten shillings whereof to goe to the discoverer, & the rest to charitable & pious uses in the Incorporation where the faults are committed.

Against drunkenes be it also decreed, that if any private person be found culpable thereof, for the first time he is to be reprovved privately by the Minister, the second time, publicquely, the Thirde time to lye in boltes 12 houres in the House of the Provost Marshall & to paye his fees, and if he still continue in that vice, to undergoe suche severe punishment, as the Governour & Councell of Estate shall think fitt to be inflicted on him. But if any Officer offende in this crime, the first time he shall receive a reproof from the Governour, the second time he shall openly be reprovved in the Church by the minister, & the third time he shall first be committed & then degraded. Provided it be understood, that the Governour hath alwaies power to restore him, when he shall, in his discretion thinke fitt

Against

Against exceffe of apparell, that every man be ceffed in the Churche for all publique contributions, if he be unmarried according to his owne apparrell, if he be married, according to his owne & his wives, or either of their apparell.

As touching the Inſtruction of drawing ſome of the better diſpoſed of the Indians to converſe wth our people & to live & labour among them, the Affembly who know well their diſpoſitions, thinke it fitte to enjoine, at leaſt to counſell thoſe of the Colony neither utterly to rejeſte them, nor yet to drawe them to come in. But in caſe they will of themſelves come voluntarily to places well peopled there to doe ſervice, in killing of Deere, Fiſhing, beating Corne, & other workes that then five or fixe may be admitted into every ſuch place, and no more, & that wth the conſente of the Governour, provided that good guard in the night be kept upon them, for generally (though ſome amongſt many may proove good) they are a moſt trecherous people, & quickly gone when they have done a villany. And it were fitt, a houſe were builte for them to lodge in apart by themſelves, and lone inhabitants by no meanes to entertaine them.

Be it enacted by this preſent affembly, that for laying a ſurer foundation of the converſion of the Indians to Chriſtian Religion, eache towne, citty Borrough, & particular plantation do obtaine unto themſelves by juſt meanes a certaine number of the natives Children to be educated by them in true Religion & civile courſe of life. Of w^{ch} children the moſt towardly boyes in witt & graces of nature to be brought up by them in the firſte Elements of litterature, ſo as to be fitted for the Colledge intended for them, that from thence they may be ſent to that worke of converſion.

As touching the buſines of planting corne, this preſent Affembly doth ordaine, that yeare by yeare, all & every houſholder and houſholders, have in ſtore for every ſervant he or they ſhall keep, & alſo for his or their owne perſons, whether they have any Servants or no, one ſpare barrell of corne to be delivered out yearly either upon ſale or exchange, as need ſhall require. For the neglect of w^{ch} duty he ſhall be Subject to the cenſure of the Govern^r & Councell of Eſtate, provided alwayes, that for the firſt yeare of every newe man this Lawe ſhall not be in force.

About the Plantation of Mulberry trees be it enacted that every man, as he is feated upon his diviſion, doe for ſeven yeares together every yeare plante & maintaine in growth fixe Mulberry trees at the leaſte and as many more as he ſhall thinke conveniente, & as his virtue & induſtry ſhall moove him to plante, and that all ſuch perſons as ſhall neglect the yearly planting & maintaining of that ſmall proportion, ſhall be Subjecte to the cenſure of the Governour, & the Councell of Eſtate

Be it farther enacted, as concerning filke-flaxe that thoſe men that are upon their diviſion or ſettled habitation doe this next yeare plante & Dreſſe 100 plantes w^{ch} being founde a comodity may farther be increaſed. And whoſoever do faile in the performance of this ſhall be ſubject to the puniſhment of the Governour & Councell of Eſtate.

For heme alſo both *Engliſhe* & Indian, & for *Engliſhe* Flaxe & Annifeeds, wee doe require & enjoine all houſholders of this Colony, that have any of thoſe feeds, to make tryal thereof the nexte ſeaſon.

Moreover be it enacted by this preſent Affembly, that every houſholder doe yearly plante & maintaine ten vines, untill they have attained to the arte & experience of dreſſing a vineyard, either by their owne induſtry, or by the inſtruction of ſome Vigneron. And that upon what penalty ſoever, the Governour & Councell of Eſtate ſhall think fitt to impoſe upon the neglecters of this Acte.

Be it alſo enacted, that all neceſſary tradesmen, or ſoe many as need ſhall require, ſuche as are come over ſince the departure of Sir *Thomas Dale*, or that ſhall hereafter come ſhall worke at their trades for any other man, eache one being payde according to the qualitee of his trade & worke, to be eſtimated, if he ſhall not be contented, by the Governour & Officers of the place where he worketh.

Be it further ordained by this General Affembly and wee doe by theſe Preſents enacte, that all contracts made in *England* betweene the owners of lande & their Tenants
and

and Servantes w^{ch} they shall fend hither, may bee caufed to be duly performed, and that the offenders be punished as the Govern^r & Councell of Eftate fhall think juft & convenient.

Be it eftablifhed alfo by this prefent Affembly, that no crafty or advantageous meanes be fufferd to be putt in practice for the inticing awaye the Tenants & Servants of any particular plantation from the place where they are Seatted. And that it fhall be the duty of the Governo^r & Councell of Eftate moft feverely to punifhe bothe the feducers & the feduced, and to returne thefe latter into their former places.

Be it further enacted, that the orders for the Magazine lately made be exactly kepte, & that the Magazine be preferved from wronge & finifter practifes, & that according to the orders of Courte in *Englande*, all Tobacco & Saffafras be brought by the planters to the Cape Marchant till fuche time as all the goods nowe or heretofore fent for the Magazine be taken off their handes at the prices agreed on, that by this meanes the fame going for *Englande* into one hande, the price thereof, may be upheld the better. And to the ende that all the whole Colony may take notice of the laft order of Courte made in *Englande*, & all thofe whom it concerneth may know how to obferve it wee holde it fitt to publifhe it here for a Lawe among the reft of our Lawes, the w^{ch} order is as followeth.

Upon the 26 of *October* 1618, it was ordered that the Magazine fhould continue during the terme formerly prefixed, & that certaine abufes nowe complained of fhould be reformed; and that for preventing of all impositions, fave the allowance of 25 in the hundred proffitt the Governo^r fhall have an invoice as well as the Cape Marchant, that if any abufe in the fale of the goods be offered, hee upon intelligence & due examination thereof fhall fee it corrected. And for the encouragement of particular hundreds, as *Smyths* Hundred, *Martins* Hundred, *Lawnes* Hundred, & the like, it is agreed, that what comodities are reaped upon anie of thefe Severall Colonies, it fhall be lawfull for them to return the fame to their owne Adventurers. Provided that the fame comodity be of their owne growing, wthout trading wth any other, in one entyre lumpe, & not difperfed, & that at the determination of the jointe ftocke the goods then remaining in the Magazine fhall be bought by the faid particular Colonies before any other goods w^{ch} fhall be fente by private men. And it is moreover ordered, that if the Lady *La warre*, the Lady *Dale*, Captain *Bargrave*, & the reft, would unite themfelves into a fettled Colony, they might be capable of the fame priviledges that are graunted to any of the foresaid Hundreds. Hitherto the Order.

All the general Affembly by voices concluded not only the acceptance & obfervation of this Order, but of the Inftruction alfo to Sir *George Yeardley* next preceding the fame. Provided firft that the Cape Marchant do accept of the Tobacco of all and everie the Planters here in *Virginia*, either for goods or upon Bills of Exchange at three fhillings the pounce the beft, & 18d the feconde forte. Provided alfo that the billes be duly payde in *Englande*. Provided in the third place, that if any other besides the Magazine have at any time any neceffary comodity w^{ch} the Magazine doth wante, it fhall & may be lawfull for any of the Colony to buy the faid neceffary Comodity of the faid party, but upon the termes of the Magazine *viz* allowing no more gaine then 25 in the Hundred, & that with the leave of the Governour, Provided laftly, that it may be lawfull for the Govern^r to give leave to any Mariner, or any other perfon that fhall have any fuche neceffary comodity wanting to the Magazine, to carrie home for *England* fo much Tobacco or other naturall comodities of the Country, as his Cufomers fhall pay him for the faid neceffary comodity or comodities. And to the ende we may not onely, perfuade & incite men, but inforce them alfo thoroughly & loyally to cure their Tobacco before they bring it to the Magazine, be it enacted, and by thefe prefents we doe enacte, that if upon the judgment of fower fufficient men of any incorporation where the Magazine fhall refide (having firft taken their oaths to give true fentence, twoe whereof to be chofen by the Cape Marchant, & twoe by the Incorporation) any Tobacco whatfoever fhall not proove vendible at the fecond price, that it fhall there immediately be burnt before the owners face. Hitherto fuche Lawes as were drawn out of the Inftructions.

Tuesday,

Tuesday Aug. 3, 1619.

THIS Morning a thirde sorte of Lawes (suche as might proceed out of every mans private conceit) were read & referred by halves to the same committees w^{ch} were from the beginning.

This done Captaine *William Powell* presented to the assembly a petition, to have justice against a lewd and trecherous servant of his, who by false accusation given up in writing to the Governour sought not onely to get him deposed from his government of *James Citty*, and utterly (according to the Proclamation) to be degraded from the Place & title of a Captaine, but to take his life from him also. And so out of the said Petition sprang this order following

Captaine *William Powell* presented a petition to the General Assembly against one *Thomas Garnett* a servant of his not onely for extream neglect of his busines, to the great losse & prejudice of the said Captaine, and for openly and impudently abusing his House, in sight both of Master and Mistresse, through wantonnes wth a woman servant of theirs, a widdowe, but also for falsely accusing him to the Governour both of Drunkenness, & Theft, & besides for bringing his fellow servants to testify on his side, wherein they justly failed him. It was thought fitt by the General Assembly (the Governour himself giving sentence) that he should stand fower dayes with his eares nayled to the Pillory, viz *Wednesday Aug. 4th* and so likewise *Thursday, Friday, & Saturday* next following, & every of those fower days should be publicly whipped. Now as touching the neglecte of his worke, what satisfaction ought to be made to his M^r for that, is referred to the Governour & Councill of Estate.

The same morning the lawes above written drawn out of the Instructions were read, & one by one thoroughly examined, & then passed once again the general consente of the whole assembly.

This Afternoon the committies brought in a reporte, what they had done as concerning the third sorte of Lawes, the discussing whereof spent the residue of that daye. Excepte onely the consideration of a Petition of M^r *John Rolfe* against Cap^t *John Martin* for writing a Letter to him wherein (as M^r *Rolfe* alledged) he taxeth him both unfeemly and amisse of certaine things wherein he was never faulty, and besides casteth some aspersions upon the present government, w^{ch} is the most temperate & just that ever was in this country, too milde indeed for many in this Colony, whom unwonted liberty hath made insolente, and not to know themselves. This Petition of M^r *Rolfe* was thought fitt to be referred to the Councill of State.

Wednesday Aug. 4th

THIS daye (by reason of extream heat both paste, and likely to ensue, & by that meanes, of the alteration of the healthes of diverse of the General Assembly) the Governour who himselfe also was not well, resolved should be the last of this first Session, So in the Morning the Speaker (as he was required by the Assembly) redd over all the Lawes and orders that had formerly passed the House, to give the same yett one review more & to see, whether there were any thing to be amended, or that might be excepted againste, this being done, the third sorte of Lawes, w^{ch} I am nowe coming to sett downe, were read over & thoroughly discussed, w^{ch} together wth the former did now passe the laste and finall consente of the General Assembly.

A third sorte of Lawes such as may issue out of
every mans private conceit

It shall be free for every man to trade wth the Indians Servants onely excepted, upon paine of whipping unless the M^r redeeme it off wth the payment of an Angell, one fourth parte whereof to go to the Provost Marshall, one fourth parte to the discoverer, & the other moyty to the publique uses of the Incorporation where he dwelleth

That

That no man do sell or give any Indians any piece shott, or poulder, or any other armes offensive or defensive, upon paine of being held a Traytour to the Colony, & of being hanged, as soon as the fact is proved, wthout all redemption.

That no man do sell or give any of the greater howes to the Indians, or any *English* dog of quality, as a Mastive, Greyhound, Blood hounde lande, or water Spaniel, or any other dog or bitche whatsoever, of the *English* race, upon paine of forfeiting 5 ^{li} *sterling* to the publike uses of the Incorporation where he dwelleth.

That no man may go above twenty miles from his dwelling place, nor upon any voiage what soever shall be absent from thence for the space of seven dayes together, wthout first having made the Govern^{or} or comāder of the same place acquainted therewith upon paine of paying twenty shillings to the publike uses of the same Incorporation, where the party delinquent dwelleth.

That no man shall purposely goe to any Indian townes, habitations, or places of resort, wthout leave from the Govern^{or} or comāder of that place where he liveth upon paine of paying 40^s to publike uses as aforesaid.

That no man living in this Colony, but shall between this and the first of *January* nexte ensuing come or sende to the Secretary of State, to enter his own & all his servants names, & for what terme, or upon what conditions they are to serve, upon penalty of paying 40^s to the said Secretary of State. Also whatsoever M^{rs} or people doe come over to this plantation, that within one month of their arrivall (notice being first given them of this very Lawe,) they shall likewise resorte to the Secretary of State & shall Certifie him upon what termes or conditions they be come hither, to the ende that he may recorde their grauntes and comissions, and for how long time and upon what conditions their servants (in case they have any) are to serve them, and that upon paine of the penalty nexte above mentioned.

All Ministers in the Colony shall once a year namely in the moneth of *Marche*, bring to the Secretary of Estate a true account of all the Christenings, burials, & marriages, upon paine, if they faile, to be censured for their negligence by the Governour & Councill of Estate Likewise where there be no ministers, that the comāders of the place doe supply the same duty.

No man wthout leave from the Governour shall kill any Neat cattle whatsoever, young or olde, especially kine, Heyfurs or Cowcalves, & shall be carefull to preserve their Steers & Oxen, & to bring them to the plough & such profittable uses, & wthout having obtained leave as aforesaid shall not kill them upon penalty of forfeiting the value of the Beast so killed.

Whosoever shall take any of his neighbours boates, oares, or canoas wthout leave from the owner shall be helde and esteemed as a felon and so proceeded against; also hee that shall take away by violence or stealth any canoas or other things from the Indians shall make valuable restitution to the said Indians, and shall forfait, if he be a freeholder, five pound; if a servant 40^s, or endure a whipping: and anything under the value of 13^d shall be accounted Petty larceny.

All ministers shall duely read divine service, and exercise their ministerial function according to the Ecclesiasticall Lawes and orders of the church of *Englande*, and every *Sunday* in the afternoon shall Catechize suche as are not yet ripe to come to the Comunion. And whosoever of them shall be found negligent or faulty in this kinde shall be subject to the censure of the Govern^r and Councill of Estate

The Ministers and Churchwardens shall seeke to prevente all ungodly diforders; the comitters whereof if, upon goode admonitions and milde reproofe they will not forbear the said skandalous offences, as suspitions of whoredoms, dishonest company keeping with weomen and such like, they are to be presented and punished accordingly.

If any person after two warnings, doe not amende his or her life in point of evident suspicion of Incontinency or of the comission of any other enormous finnes, that then he or shee be presented by the Churchwardens and suspended for a time from the churche by the minister. In w^{ch} Interim if the same person do not amende and humbly submitt

him

him or herselfe to the church, he is then fully to be excommunicate and soon after a writt or warrant to be sent from the Govern^r for the apprehending of his person & seizing all his goods. Provided alwayes, that all the ministers doe meet once a quarter, namely, at the feast of S^t *Michael* the Arkangell, of the nativity of our Saviour, of the Annuntiation of the blessed Virgine, and about midfomer, at *James Citty* or any other place where the Govern^r shall reside, to determine whom it is fitt to excommunicate, and that they first presente their opinion to the Governour ere they proceed to the acte of excommunication

For Reformation of swearing, evry freeman and M^r of a family after thrice admonition shall give 5^s or the value upon presente demande, to the use of the church where he dwelleth: and every servant after the like admonition, excepte his M^r discharge the fine, shall be subject to whipping. Provided, that the payment of the fine notwithstanding, the said servant shall acknowledge his faulte publicly in the Church.

No man whatsoever coming by water from above, as from *Henrico*, *Charles citty*, or any place from the westwarde of *James Citty*, & being bound for *Kiccowtan* or any other parte on this side of the same, shall presume to pass by either by day or by night without touching firste here at *James Citty*, to know whether the Governour will comande him any service. And the like shall they performe that come from *Kiccowtan* ward, or from any place between this & that to go upwarde; upon paine of forfeiting ten pound *Sterling* a time to the Governor. Provided that if a servant having had instructions from his Master to observe his Service doe notwithstanding transgresse the same that then the said servant shall be punished at the Govern^rs discretion otherwise that the Master himselfe shall undergo the foresaid penalty.

No man shall trade into the Baye either in Shallop pinnace, or ship without the Governours License, and without putting in security, that neither himselfe, nor his Company shall force or wrong the Indians, upon paine that doing otherwise they shall be censured at their returne by the Governour & Counsell of Estate.

All persons whatsoever upon Sabaoth days shall frequente divine service & sermons both forenoon and afternoone; & all sutch as beare armes, shall bring their pieces, Swordes, poulder, & shotte. And Every one that shall transgresse this Lawe, shall forfeit three shillings a time to the use of the Church, all lawful & necessary impediments excepted. But if a servant in this case shall wilfully neglecte his M^rs comande he shall suffer bodily punishmente.

No maide or woman servant, either now resident in the Colonie, or hereafter to come, shall contract herselfe in marriage without either the consente of her parents or her M^r or M^{rs}, or of the magistrat & Minister of the place both together. And whatsoever Minister shall marry or contracte any sutch persons without some of the foresaid consentes shall be subjecte to the severe censure of the Govern^r & Counsell of Estate.

Be it enacted by the present assembly, that whatsoever servant hath heretofore, or shall hereafter contracte himselfe in *Englande*, either by way of Indenture or otherwise, to serve any Master here in *Virginia*, and shall afterward, against his said former contracte, depart from his M^r without leave, or being once imbarked, shall abandon the ship he is appointed to come in, & so being lefte behinde, shall put himselfe into the service of any other man that will bring him hither; that then at the same servants arrival here, he shall first serve out his time, with that M^r that brought him hither and afterward also shall serve out his time with his former Master according to his covenant.

Here ende the Lawes.

All these lawes being thus concluded & consented to, as aforesaide Captaine *Henry Spelman* was called to the Barre, to answer to certaine misdemeano^{rs} layde to his chardge by *Robert Poole* interpretour, upon his Oath (whose examination the Govern^r sente into *Englande* in the *Prosperus*) of w^{ch} accusations of *Poole* some he acknowledged for true, but the greatest part he denied. Whereupon the General Assembly having throughly heard, & considered his speeches, did constitute this order following against him,

Aug.

Aug. 4th 1619

This day Captaine *Henry Spelman* was convented before the General Asssembly, & was examined by a relation upon oath of one *Robert Poole* Interpreter what conference had passed between the said *Spelman* & *Opochancano* at *Pooles* meeting with him in *Opochancanos* courte. *Poole* chardgeth him, he spake very unreverently & maliciously agst this present Govern^r wherby the honour & dignity of his place & person, & so of the whole Colonie, might be brought into Contempe, by w^{ch} meanes what mischiefs might enfue from the Indians by disturbance of the Peace or otherwise, may easily be conjectured. Some things of this relation *Spelman* confessed, but the most parte he denied, excepte onely one matter of importance, & that was, that he hade informed *Opochancano*, that wthin a yeare there would come a Governour greater than this that nowe is in place. By w^{ch} & by other reportes, it seemeth he hath alienated the minde of *Opochancano* from this present Governour, & brought him in much disesteem both wth *Opochancano* & the Indians, & the whole Colony in danger of their Slippery designes.

The general asssembly upon *Pooles* testimony onely not willing to putt *Spelman* to the rigour & extremity of the Lawe, w^{ch} might perhaps, both speedily & deservedly have taken his life from him (upon the witness of one whom he muche excepted agst) were pleased for the present to censure him rather out of that his confession above written, then out of any other prooffe. Several & sharpe punishments were pronounced agst him by diverse of the Asssembly. But in fine the whole courte by voices united did encline to the most favourable, w^{ch} was that for this misdemeanour he should first be degraded of his title of Cap^t, at the head of the Troupe, & should be condemn^d to performe seven yeares service to the Colony, in the nature of an Interpreter to the Governour.

This sentence being read to *Spelman* he as one that had in him more of the Savage then of the Christian, muttered certaine wordes to himselfe, neither shewing any remorse for his offences, nor yet any thankfulness to the Asssembly for their so favourable censure, w^{ch} he at one time or another (Gods grace not wholly abandoning him) might wth some one service have been able to have redeemed.¹

This day also did the Inhabitants of *Paspapeigh* alias *Argalls Towne*, present a petition to the General Asssembly to give them an absolute discharge from certaine Bondes wherein they stand bound to Captaine *Samuell Argall* for the payment of 600^{li} & to Captaine *William Powell* at Captaines *Argalls* appointment, for the payment of 50^{li} more To Captaine *Argall* for 15 Skore acres of woody ground called by the name of *Argalls Towne* or *Paspapeigh*; to Captaine *Powell* in respect of his paines in clearing the grounde, & building the houses for w^{ch} Captaine *Argall* ought to have given him satisfaction. Now, the general Asssembly being doubtful whether they have any power & authority to discharge the said bondes, doe by these presents (at the Instance of the said Inhabitants of *Paspapeighs*, alias *Martins* hundred people) become most humble suitours to the Treasurer, Counsell & Company in *England* that they will be pleased to gett the said bondes for 600^{li} to be cancelled; for asmuch as in their great comission they have expressly & by name appointed that place of *Paspapeigh* for parte of the Governours Lande. And wheras Captain *William Powell* is payde his 50^{li} w^{ch} Captaine *Argall* enjoined the saide Inhabitantes to presente him with, as parte of the bargaine, the general asssembly at their intreaty do become suitours on their behalfe, that Cap^t *Argall*, by the Counsell & Company in *Englande* may be compelled either to restore the said 50^{li} from thence, or else that restitution thereof be made here, out of the goods of the said Captaine *Argall*.

The last acte of the General Asssembly was a contribution to gratifie their Officers as followeth

Aug. 4th 1619

It is fully agreed att this Generall Asssembly, that in regarde of the great paines & labour of the Speaker of this Asssembly (who not only first formed the same asssembly & to their great ease & expedition, reduced all matters to be treated of into

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¹ This paragraph is crossed out in the original.

a ready method, but also, his indisposition notwithstanding wrote or dictated all orders & other expedients, & is yett to write severall bookes for all the severall Incorporations & plantations, both of the great Charter, & of all the Lawes) & likewise in respecte of the diligence of the Clerke & Sergeant officers thereto belonging: That every man & manservant of above 16 yeares of age shall pay into the handes & Custody of the Burgeffes of every Incorporation & plantation one pound of the best Tobacco, to be distributed to the Speaker, & likewise to the Clerke & Sergeant of the Affembly, according to their degrees & rankes, the whole bulk whereof to be delivered into the Speakers handes, to be divided accordingly. And in regard to the Provost Marshall of *James Citty* hath also given some attendance upon the said General Affembly, he is also to have a share out of the same. And this is to begin to be gathered the 24th of *February* nexte.

In conclusion the whole Affembly comanded the Speaker (as nowe he doth) to present their humble excuse to the Treasurer Counsell & Company in *England*, for being constrained by the intemperature of the Weather, & the falling sick of diverse of the Burgeffes, to breake up so abruptly before they had so much as putt their Lawes to the ingrossing, this they wholly committed to the fidelity of their Speaker, who therein (his Conscience telles him) hath done the part of an honest man, Otherwise he would easily be found out by the Burgeffes themselves, who wth all expedition, are to have so many bookes of the same Lawes, as there be both Incorporations & Plantations, in the Colony.

In the seconde place, the Affembly doth most humbly crave pardon, that in short a space they could bring their matter to no more perfection, being for the present enforced to send home Titles rather than Lawes, Propositions rather than resolutions, Attempts then Atchievements, hoping their courtesy will accepte our poore indeavour, and their wisdom will be ready to supporte the weaknes of this little flocke.

Thirdly, the General Affembly doth humbly beseech the Treasurer Counsell & Company, that albeit it belongeth to them onely to allowe or to abrogate any Lawes w^{ch} we shall here inacte, and that it is their righte so to doe; yet that it would please them not to take it in ill parte, if these Lawes, w^{ch} we have nowe brought to light, do passe current & be of force, till suche time as we may knowe their further pleasure out of *Englande*, for otherwise this people (who nowe at length have gott the raines of former fervitude into their owne swindge¹) would in short time grow so insolent, as they would shake off all govern^{mt}, & there would be no living among them.

Their last humble suit is, that the said Counsell & Company would be pleased, as soon as they shall find it convenient, to make good their promise sett down at the conclusion of their comission for establishing the Counsell of Estate & the General Affembly: namely that they will give us power to allowe or disallowe of their Orders of Courte, as his Majesty hath given them power to allowe or to reject our Lawes.

In sume Sir *George Yeardly* the Govern^{or} prorogued the said General Affembly till the first of *Marche* which is to fall out this present yeare 1619, And in the mean season dissolved the same.

¹ "Swindge" is a misspelling of "swinge," which is an obsolete word meaning sway, or power.

[From Neill's *Virginia Company of London*, pp. 274-286. The extracts here copied give a contemporary account of the session of the General Assembly held in *November* and *December*, 1621.]

Letter of Governor and Council of *Virginia* to the Company, written *January* 1621/2, and forwarded by Ship *George*.

Right Hono^{ble}

WEE haue receaued your Letter dated at *London* the 22d of *September*, 1622 [1621], by the *Warwicke* arriued heere at *James Cyttie* the 10th day of *December*, wherein you haue manifested so greate care of us, and the whole Colony as we cannot but with all thankfullness acknowledg ourselues much bounden unto you for the same, before the receipt of w^{ch} Letter wee had (according to the instructions giuen us) taken order in the firste Sessions of the generall Affembly, helde in *November* and *December*, that great store of Vines and Mulberry trees should be planted in all places, and such as were growinge preferred and had expressly prohibited the destroyinge of mulberry trees in the clearinge of Growndes.

Att w^{ch} Affembly we did playnly p^{ce}ause that the whole country was very well affected to the plantinge of both and to the receauing of silk-worme foode, and that y^t is our earnest desire that you would be pleased to proceed in this course, and of sending us all sortes of Vines in greate abundance, as alsoe greate store of all sortes of the best graine, as wheate, Barlie, Oates, and pease of all the best kindes, for though wee bee very desirous to fall to the sowinge of all sorts of our *Englishe* graine as well as Indian (since this Countrey is very p^{er} for them, and that there [is] so much cleare grounde in the Colonie) wherein a plowe may be able to goe yet are wee at this tyme very much unprovided of any good seed corne, for our wheate w^{ch} was firste brought hither from the *French* Colonie is not only of a small and bad kinde, but hath been also much decayed (since it came hither) for wante of well cultivatinge the grounde.

* * * * *

For the drawinge of the People from the excessiue plantinge of Tobacco, wee haue by the consent of the generall Affembly refrayned them to one hundred plants ye headd, uppon eache of w^{ch} plantes there are to bee left butt onely nyne leaues w^{ch} p^{ro}portions as neere as could be gueessed, was generally conceaued would be agreeable wth the hundred waight you haue allowed. By w^{ch} meanes as also by the course that we haue taken for the keepinge of euery man to his Trade we doubt nott butt very much to preuent the Imoderate plantinge of Tobacco. But nothinge can more encourage all men to the plantinge of corne in abundance and soe diuert them from plantinge of Tobacco, then you would be pleased (since y^t you desire that greate plenty of Corne bee planted here as well for such multitudes of people as you hope yearly to send ouer, as for our owne selues to allow us a Marchantable Rate here for our Corne, either to bee payde by Bills of Exchange in *England* or in Commodities to be deliuered here at 25 *p. centum*, the prise of 7s the Bushell being p^{ro}posed by the generall Affembly was by us thought very reasonable since the Corne you send ouer besides the hazard of being lost or spoyled at Sea, doth stand you in as much or more the charge or freight in Cask considered.

* * * * *

By the consent of the last Generall Affembly there y^s a large Contribution to be underwritten for the buildinge of a howse of Entertainment at *James* * * * and therefore woode earnestly desire y^t you would be pleased to send ouer some * * * of Carpenters Brickmakers and Bricklayers of w^{ch} usefull trades there is very great want, and for whose labour wee wilbe content to paye after a good rate.

* * * * *

Wee haue heerin sent you a piect [project] of Capt *Newces* w^{ch} yf you shalbe pleased to take likinge of y^t is thought heere, will yeelde you a more certain p^{ro}ffit than your Tenants to halfe, w^{ch} being p^{ro}posed to the generall Affembly, was by them very well approved of: we haue uppon his Peticone and deepe p^{ro}testations (y^t he is utterlie ignorant in the busines of the Sawinge Mills) sent home the Dutchmans Sonne who cam ouer hither only for the commforte of his father, and the rather to discharge you of the payinge of unnecessary wages.

PAPERS

of the

GENERAL ASSEMBLY

of

1623/24.

The anfwere of the Generall Affembly in *Virginia* to a Declaration of the ftate of the Colonie in the 12 yeers of S^r *Thomas Smiths* Gouverment, exhibited by Alderman *Johnfon* and others.

HOLDINGE it a finne againft God, and ou^r owne fufferinge, to fuffer the World to be abufed wth untrue reportes, and to giue unto vice the reward of vertue, we in the name of the whole Colonie of *Virginia*, in our generall affembly, many of us hauing beene eye witneffes and patients of thofe tymes haue framed out of our duty to this country, and loue unto truth, this Difmaskinge of thofe prayfes w^{ch} are containd in the foresaid declarationes.

In thofe 12 yeers of S^r *Tho: Smith* his gouerment, we auerr that the Colony for y^e moft p^rte remayned in greate want and mifery under moft feure and Crewell lawes fent ouer in printe, and contrary to the exprefse Letter of the Kinge in his moft gracious Charter, and as mercyleffly executed, often times without tryall or Judgment. The allowance in thofe tymes for a man was only eight ounces of meale and half a pinte of peafe for a daye the one & y^e other mouldy, rotten, full of Cobwebs and Maggots loathfome to man and not fytt for beafts, w^{ch} forced many to flee for reliefe to the Savage Enemy, who being taken againe were putt to fundry deaths as by hanginge, fhootinge and breakinge uppon the wheele & others were forced by famine to filch for their bellies, of whom one for fteeling 2 or 3 pints of oatmeale had a bodkinge thruft through his tongue and was tyed wth a chaine to a tree untill he ftarued, yf a man through his ficknefs had not been able to worke, he had no allowance at all, and fo confequently perifhed many through thefe extremities, being weery of life digged holes in the earth and hidd themfelues till they famifhed.

We cannott for this our fcarfitie blame our Co^mmanders heere, in refpect that o^r fufenance was to come from *England*, for had they at that time giuen us noe better allowance we had perifhed in generall, fo lamentable was our fcarfitie that we were conftained to eat Doggs, Catts, ratts, Snakes, Toad-ftooles, horfehides and w^t nott, one man out of the myfery he endured, killinge his wiefe powdered her upp to eate her, for w^{ch} he was burned. Many befides fedd on the Corps of dead men, and one who had gotten unfatiable, out of cuftome to that foode could not be reftrayned, until fuch tyme as he was executed for it, and indeed foe miferable was our eftate that the happyeft day that euer fome of them hoped to fee, was when the Indyans had killed a mare they wifhing whilft fhe was boylinge y^t S^r *Tho: Smith* was uppon her backe in the kettle.

And whereas it is affirmed that there were very fewe of his Ma^{ties} fubiefts left in thofe dayes and thofe of the meaneft ranke, we anfwere y^t for one that now dyes, there then perifhed fiue, many beinge of Auncyent Howfes and borne to eftates of 1000^l by the yeere, fome more, fome lefs who likewife perifhed by famine. Thofe who furuived who had both aduentured theire eftates and prfonnes were conftained to ferue the Colony as if they had been flaues, 7 or 8 yeeres for their freedomes, who underwent as hard and feruile labor as the bafeft fellow that was brought out of Newgate.

And for difcouery we faye that none was difcouered in thofe 12 yeeres, and in thefe 4 or 5 laft yeers much more than formerly.

For o^r howfes and churches in thofe tymes they were fo meane and poore by refoⁿ of thofe calamities that they could not ftand aboue one or two yeeres, the people neuer goinge to worke but out of y^e bitternes of their fpirrits threatning execrable curfes uppon S^r: *Thomas Smith*, neither could a bleffinge from god be hoped for in thofe buildings w^{ch} were founded uppon y^e bloud of foe many Chriftians.

The Townes were only *James Cytie*, *Henryco*, *Charles hundred*, *West & Sherley hundred*,

hundred, and *Kiccoughtan* all w^{ch} in those tymes were ruined alfoe, unless some 10 or 12 howses in y^t Corporation of *James Cyttie* at this present tyme are 4 for euer one that were there, and forty times exceedinge in Goodnesse, fortifications there were none at all against y^e foraigne enemy, and those that were against the domestick very few and contemptible, Bridges there was only one w^{ch} also decayde in that tyme, yf through the forsaide calamities many had not perished we doubt not but there might haue been many more than 1000 people in the lande when S^r *Thomas Smith* left the Gouverment.

But we conceiue y^t when S^r *George Yardly* arriued Gounor hee found not about 400, most of those in want of corne, nearly destitute of cattle, swyne, poultreys and other necessary provisions to nourish them. Ministers to instruct the people there were some whose sufficiency and ability we will not tax, yet diuers of them had no Orders.

We knowe not at any time y^t we exceeded in Armes, Powder & munitions, but y^t in quality almost altogether uselesse. We acknowledge in those times there was a tryall made of diuers staple Commodities, the Colony as then not hauinge means to proceed therein, we hope in tyme there may be some better progressions be made, and had it not bene for the Massacre may by this had bene brought to perfectione, as for boats in the tyme of y^t Gouverment there was only one left y^t was seruiceable in the Colonie, for w^{ch} one besides 4 or 5 Shippes and pinnaces, there are now not so fewe as 40, the barques, and barges y^t then were built in number few, so unwillingly and weakly by the people effected, y^t in the same time they also fished [perished] we neuer ceased y^t the natives of the Countrey did voluntarily yeeld themselves subiects to our gracious Soueraigne, nether that they took any pride in that title, nor provide at any tyme any contributione of corne for sustentation of y^e Colony, nor could we at any tyme keepe them in such good respect of correspondency as we became mutually helpful each to the other but contrarily w^t at any [time] was done proceeded from feare and not loue, and their corne procured by trade or the sword.

To w^t growth of perfectione the Colony hath attained at y^e end of those 22 [12] yeeres wee conceiue may easily be iudged by w^t we haue formerly saide. And rather to be reduced to liue under the like Gouverment we desire his Ma^{tie} y^t Commissioners may be sent ouer, wth authority to hang us.

Alderman *Johnson*, one of y^e Authors of this Declaratione hath reason to commend him to whose offences and infamies he is so inseparably chained.

By y^e generall reporte of y^e Country w^{ch} we neuer hard contradicted, we affirme this to be true whereof all or y^e most parte were eye witnesses or resident in y^e Country when euery particular within written were effected.

Wm. Tucker

Wm. Pearce

Rawley Crofhaw

Samuel Mathews

Jabez Whittaker

John Willcox

Nicholas Marten

Edward Blany

Isack Madifone

Clement Dilke

Luke Boyse

John Utie

John Chew

Richard Staples

Gabriell Holland

Francis Wyatt

George Sandis

John Pott

John Powntis

Roger Smith

Raphe Hamor

John Southerne

Samuel Sharpe

Henry Watkins

Nathaniel Causey

Richard Bigge

Richard Kingfwell

John Pollington

Robert Addams

Thomas Marlott.

[Letter of the Governor, Council, and Affembly of *Virginia* to the king in reply to Capt. *Nathaniel Butler's* "Unmasking of *Virginia*." Copied from *Stith's Hiftory of Virginia (Williamsburg, 1747)*, pp. 307-312.]

Moſt gracious Sovereign,

WHEREAS a Copy of an Information, preſented to Your Maſteſty by Captain Nathaniel Butler, entitled, *The Unmasking of Virginia, is come to our Hands: and whereas the ſame is full of notorious Slanders and Falſhoods, proceeding from the Malice of his corrupt Heart, and abetted by private Enmity and publick Diviſion, which aim at the Satisfaction of their particular Spleen, altho' it be to the Subverſion of this whole Colony; Wee, the Governor, Council, and Colony of Virginia, in our General Affembly, out of Zeal and Reſpect to Your Maſteſty and this our Country, not to ſuffer Your ſacred Ears to be prophaned with falſe Suggeſtions, nor Your Royal Thoughts to be diverted from ſo hopeful a Plantation, which may add in time a principal Flower to Your Diadem, do, in all Humbleneſs, ſubmit this our Anſwer to Your Princely Survey, annexed to the ſeveral Untruths of the ſaid Informer.*

1. I found the Plantations generally feated, &c.

THE Plantations, for the moſt Part, are high and pleaſantly feated: and the reſt not low, nor infeſted with Marſhes, which, we wiſh, were more frequent. The Creeks are rather uſeful, than noiſome; and no Bogs have been ſeen here by any, that have lived twice as many Years, as he did Weeks, in the Country; the Places which he ſo miſcalls, being the richeſt Parts of the Earth, if we had a ſufficient Force to clear their Woods, and to give the freſh Springs, which run through them, a free Paſſage. The Soil is generally rich, and reſtores our Truſt with Abundance; the Air is ſweet, and the Clime healthful, all Circumſtances conſidered, to Men of ſound Bodies and good Government.

2. I found the Shores, &c.

In this he traduceth one of the goodlieſt Rivers in the habitable World, which runs for many Miles together within upright Banks, till at length, enlarged with the Receipt of others, it beats on a ſandy Shore, and imitates the Sea in Greatneſs and Maſteſty. It is approachable on both Sides, from half Flood to half Ebb, for Boats of good Burthen; neither is there any River in the World of this Vaſtneſs, without Cranes or Wharfs, more commodious for landing. And it is equally contrary to Truth, that by wading we get violent Surfeits of Cold, which never leave us, till we are brought to our Graves.

3. THE new People, ſent over, arriving for the moſt Part, &c.

We affirm, that the Winter is the only proper time for the Arrival of new Comers; whereof the Governor and Council have often, by their Letters, informed the Company; and the like Advice has been given to their Correſpondents, from time to time, by private Planters, for their Supply of Servants. As to Houſes of Entertainment, there was a general Subscription, amounting to an unexpected Sum, and Workmen actually employed, to build a fair Inn in *James City*, and every principal Plantation had reſolved on the like, for the Entertainment of their new Supplies; when it pleaſed God, to puniſh our Crimes by the bloody Hands of the Indians, which obliged us to divert that Care to the Houſing ourſelves, many of us having been unfurniſhed by that Diſaſter. But Buildings of late have every where increaſed exceedingly; neither have new Comers any Reaſon to complain, when every Man's Houſe is, without Recompence, open to the Stranger, even to the diſaccommodating ourſelves. So that we may with Modeſty boaſt, that no People in the World do exerciſe the like Hoſpitality. As for dying under Hedges (whereof there are none in *Virginia*) or lying unburied in the Woods, by reaſon of this Defect, it is utterly falſe. However, if ſuch things ſhould ſometimes be ſeen accidentally here, the like may, and often doth happen, in the moſt flouriſhing Countries of *Europe*.

4. THE Colony was, this Winter, in great Diſtreſs, &c.

THE Colony, that Winter, was in no Diſtreſs of Viſtual, as the Accuſer well knoweth. For he bought Corn himſelf for eight Shillings a Buſhel, cheaper, as we hear, than it was then ſold in *England*. It is true, a ſucceeding Scarcity was feared. But what leſs could

be

be expected, after such a Maffacre; when near half the Colony were driven from their Habitations in time of planting, others ftreightened in their Ground by receiving them, and all interrupted in their Bufinefs by fupporting a fudden War? *Englilh* Meal fold, as he affirmeth, at thirty Shillings the Bufhel, was only fold for ten Pounds of Tobacco: for which, in truck, we ordinarily receive under twelve Pence a Pound, real Value. And it is not to be fuppofed, that any of the Great fhould affect Scarcity, in order to enrich themfelves by Trade. For Trade hath ever been free for us all; neither have they, who have brought in moft Corn, fold it out at unconfcionable Rates, but have often freely imparted it to the Neceffity of others, without any other Advantage than Repayment. We agree with that Prime-one, who wifhed, that Corn might never be under eight Shillings a Bufhel; meaning in Tobacco at three Shillings a Pound. For fo there would be fome Proportion between the Profit of making the one and the other, and Corn would thereby be planted in greater Abundance.

5. THEIR Houfes are generally the worft, &c.

OUR Houfes, for the moft Part, are rather built for Ufe than Ornament; yet not a few for both, and fit to give Entertainment to Men of good Quality. If we may give Credit to thofe, who are accounted the moft faithful Relaters of the *West-Indies*, many Cities of great Rumour there, after threefcore Years Progreff, are not to be compared in their Buildings to ours. And fo far are they from the meaneft Cottages in *England*, that many Towns there have hardly one Houfe in them, which exceedeth ours in Con-veniency or Structure. The greateft Difparagement, that fome of them received, proceeded from his Riots and lafcivious Filthinefs with lewd Women, purchafed with Rials of Eight and Wedges of Gold, the Spoils of the diftreffed *Spaniards* in *Bermudas*; which, as we are informed by a Gentleman of good Credit, who cafually furveyed his Inventory, did, with other Treafure, amount to divers Thoufands. As for the Interpofition of Creeks, which Men are moft defirous to feat upon, where we cannot go by Land, we have Boats and Canoes, for our fudden Transport on any Occafion.

6. I found not the leaft Piece of Fortification, &c.

WE have, as yet, no Fortifications againft a foreign Enemy, altho' it hath been endeavoured by the Company, with a Succes unanfwerable to their Care and Expencc; as alfo lately by ourfelves. But the Work, being interrupted by the Scarcity of laft Summer, fhall proceed again, God willing, with all convenient Expedition; and almoft all our Houfes are fufficiently fortified againft the Indians, with ftrong Palifadoes. His Envy would not let him number truly the Ordinance at *James City*; four Demi-Culverins being there mounted, and all ferviceable. At *Flower-de-Hundred*, he makes but one of fix; neither was he ever there, but, according to his Cuftom, reporteth the unfeen as feen. The fame Envy would not let him fee the three Pieces at *Newport's-News*, and thofe two at *Elifabeth-City*. Two great Pieces there are at *Charles Hundred*, and feven at *Henrico*. Befides which, feveral private Planters have fince furnifhed themfelves with Ordinance. So that it were a desperate Enterprife, and unlikely to be attempted by a Man of his Spirit, to beat down our Houfes about our Ears, with a Bark of that Burthen.

7. EXPECTING, according to their printed Books, &c.

THE time that this Informer came over, was in the Winter, after the Maffacre; when thofe Wounds were green, and the Earth deprived of her Beauty. His Ears were open to nothing but Detraction, and he only enquired after the Factious, of which there were none among us, and how he might gather Accufations againft thofe in the Government, being, as it fhould feem, fent over for that Purpofe. Otherwife he could not but hear of our Proclamations for the Advancement of Staple Commodities, and with what Alacrity and Succes they proceeded; Vines and Mulberry Trees being planted throughout the whole Country, the Iron-Works in great Forwardnefs and fhortly to receive Perfection, and the Glafs-Works laboured after with all poffible Care, till the Slaughter by the Indians, and the fucceeding Mortality, gave a Ruin to fome, and Interruption to all. So that he hath nothing but our Misfortunes to accufe and upbraid

us with; which have obliged us, still to follow that contemptible Weed, as well to sustain the War, as to enable us again to erect those Works. As for deriding the Books, that were sent over by the Company, it was done by himself, and no other, that we know of.

8. I found the ancient Plantations of *Henrico*, &c.

STILL he abuses your Majesty with these Words, *I found*, in Places, where he never was by some Score of Miles; having never been higher up the River, than the Territories of *James City*. *Henrico* was quitted in Sir *Thomas Smith's* Time, only the Church and one House remaining. *Charles City*, so much spoken of, never had but six Houses. The Soil of both is barren, worn out, and not fit for Culture. The Loss of our Stocks the Informer hath less Reason to urge. For he joined with the Indians in killing our Cattle, and carried the Beef aboard his Ship; which would have cost him his Life, if he had had his Deserts.

9. WHEREAS according to his Majesty's gracious, &c.

THE Governor and Council, whom it only concerned, replied to this; that they had followed the Laws and Customs of *England* to their utmost Skill; neither could he, or any other, produce any Particular, wherein they had failed. As to their Ignorance, they held him to be no competent Judge of those, who so far transcended him in Point of Learning and Ability. For he had never been bred to the Law (as was not unknown to some of them) nor yet in any other of the liberal Sciences. But his principal Spleen in this Article, appeared to proceed from his not being admitted of the Council, which they could by no means, consistently with their Instructions, do.

10. THERE having been, as it is thought, ten thousand, &c.

HIS Computation of ten thousand Souls falleth short of four thousand; and those were, in great part, waisted by the more than *Egyptian* Slavery and *Scythian* Cruelty, which was exercised on us, your poor and miserable Subjects, by Laws written in Blood, and executed with all Sorts of Tyranny, in the Time of Sir *Thomas Smith's* Government; whereof we send your Majesty the true and tragical Relation, from which it will plainly appear, that the pretended Confusions and private Ends will strongly reflect upon him and his Instructors. And how unfit such Men are, to restore that Plantation, which suffered so much under their Government, we humbly refer to your princely Consideration; invoking, with him, that divine and supreme Hand, to protect us from such Governors and their Ministers, who have poured out our Blood on the Earth like Water, and have fattened themselves with our Famine. And we beseech your Majesty, to support us in this just and gentle Authority, which has cherished us of late by more worthy Magistrates; and We, our Wives, and poor Children, as is our Duty, shall ever pray to God, to give you in this World all Increase of Happiness, and to crown you in the World to come, with immortal Glory.

[From the *Bancroft* Transcripts, *New York* Public Library, II, 585-590.]

To the Kinges most excellent Ma^{tie}

The humble Petition of the Governour Counsell and Collony of Virginia in their Generall Affembly.

Humbly sheweth,

THAT whereas to our great Comfort, we have lately understood that Your Ma^{tie} notwithstandinge the unjust disparagements of this Plantation, hath taken y^t into yo^r more neere and especiall care; that yo^r Royall intentions may have their one effecte, We, urged by our duty and experiences, doe humbly beseech that credit may not be given to the late declarations presented to yo^r highnes concerneinge the happie, but indeed miserable estate of the Collony duringe the first twelve yeares; neither to those malicious imputations, w^{ch} have ben layde on the latter: but to be pleased to beholde in little the true estate of both, by our relations w^{ch} we now present by the handes of M^r *John Pontis* a worthy member of our bodye, conteyninge

conteyninge nothinge but the truth, wthout difaffection or partialitye, whereby we doubt not but Yo^r Ma^{tie} will underftande of the Condition of both tymes; and be pleased, accordinge to our earneft desires to continue the Government under w^{ch} we live: confirmed by yo^r Princely care and fupportance: But if yt fhall please Yo^r Ma^{tie} otherwise to determine, our prayers folicite your tender Compaffion that you will not fuffer yo^r poore Subjectes to fall into the handes of Sir *Tho: Smith* or his Confidents, who have lately abufed yo^r Sacred cares wth wronge Informations; but that yo^u will gratioufly protect us from thofe groweing ftormes ingendered by faction w^{ch} preface the fubverfion of fome whofe endeavors have deferved a better rewarde, and in generall of the wholl Plantation. And that we may depend upon noe meaner perfons then of late we have doune fince the A^{ct}ion is of fuch hono^r and confequence. And in that by the late Maffacre, continued warre, and meane prizes of Tobacco, we are difabled for fetting up ftaple Comodities, extirpation of the perfidious Salvages (much leffe for fortification againft a forrein enymie) We humblie follicite the effect of yo^r Ma^{ties} gracious intention for our, and the *Somer* Islandes, fole importation of tobacco: befeechinge yo^r Ma^{tie} to believe that we affect not that Contemptible weede as an end, but as a prefent meanes whereof We doubt not ere longe to give yo^r Ma^{tie} a reall affurance. And if Yo^r Ma^{tie} fhall be gratioufly pleased to fend over that aid of Souldiers, whereof we have been put in hope, or what other fupport Yo^r Royall bounty fhall afforde us: Wee moft humblie defire that the Gouverno^r, Counfell and General Affembly may have a voyce in their difpofall, fince none at that diftaunce by reafon of accidents and emergent occafions can direct y^t, fo advantagioufly as our prefence and experience And we our Wives and poore Children fhall ever praye to God, as is our dutie, to give you in this worlde all increafe of happines and to crowne you in the World to come wth imortall Glorie.

Francis: Wyatt

George Sandys.

Frans: Weft.

Roger Smythe.

George Yeavelley [Yeardley].

Raphe Hamor

John Pott.

Will: Pcirce.

Will: Tucker.

Jabez Whittaker.

Nath: Baffe.

John Pollington.

Nic. Martian

Edw. Blayney.

John Utie.

Ifaack Chaplain.

Clem^t Dilke.

Luke Boys.

Thomas Harris

Rich: Stephens.

John Chewe.

Rob^t Addams.

Rich^d Kingemill

Nath. Cauffey.

Rich. Bigges.

Gabriel Holland.

Thomas Marloe.

[From the *Bancroft* Transcripts, *New York* Public Library, II, 365-372.]

Right Hono^{ble},

WEE have received divers letters from yo^r Lo^{ps} fome to the Gov^r and counfell in perticuler others to the Collony in generall, wth Coppies of yo^r orders from the Company, and laftly other orders brought over by M^r *Povey*¹.

By them all we underftande the princely care that his Ma^{tie} hath of this Plantation, for w^{ch} we retorne our humbleft thankes and earneftly folicite the continuance of his favo^r

By the firft we underftoode of his Ma^{ties} remittinge of thre pence in the fhillinge in the Cufomes of his tobacco, and of grauntinge unto us the fole importation: then w^{ch} there is nothinge that will give more life or a fpeedier advancement to this Collony, for little or nothinge can be expected from povertye to w^{ch} the meane prizes therof and great charges of warre have reduced us neither have wee, in this eftate wherin we are, the meanes to fortifie, nor to fett up thofe ftaple comodities w^{ch} require a longe expectation

¹ This name fhould be "*Pory*".

tion of proffitt: all the fruites of o^r labors amountinge to noe more (if foe much) then will cloth and feed us. Wee therefore humblie intreat yo^r Lo^{ps} that yo^u will take Co^m-iffiration of us, and be a meanes to his Ma^{tie} to confirme his former intention, wth all to take into yo^r hono^{ble} confiderations that heavy burthen in payeing for Customes above a thirde of o^r labo^{rs} w^{ch} we desire may bee reduced to five in the hundred accordinge to his Ma^{ties} gracious letters Pattents. Wee further understande by yo^r Lo^{ps} letters, that we have been accused by one that came from hence of neglect of fortifications of buildinge of houses and provideinge of sustenance: against whome we protest that his relation as in other things, foe in this, is untrue and slanderous. We have in due submission to yo^r Lo^{ps} published yo^r orders sent over by M^r *Povey*¹ whereby wee understande his Ma^{ties} intention in changeinge the Government of this Collony, we are ignorant of the dangers and ruynes that might have befallen us by the continuance of the former, neither have we any thinge to accuse them wth that have fwayed our affaires, since the expiration of S^r *Thomas Smyths* authoritye, our slavery haveinge since been converted to freedome, and wee cherished under a iust and moderate Govern^t: neither had they nor wee been subject to senfure, if the bitter effects of the Maffacre had not clouded their zeale and our endea^{vs} yet howsoever yt pleaseth his Ma^{tie} to dispose of us, it is our humble desire, that the Governo^{rs} that are sent over may not have absolute authoritye, but may bee refrayned as formerly by the consent of this Counsell, w^{ch} tittle we desire may be retayned to the hono^r of this Plantation, and not converted to the name of assistantes, some inconvenyences we have founde by the strickt limitations of the Governo^r and Counsell by instructions out of *Englande*, since in so farre a distance and not perfect knowledge of the Country that may seeme good in advise, w^{ch} may by accident prove otherwise in execution, neither holde we yt fitt that any mayne project be sett a foot, w^{ch} hath not from hence approbation, besides we suppose that the short continuance of Governo^{rs} in their places is very disadvantagious to the Collony, who for the first yeare are rawe in experience and for the most part in ill disposition of health through the change of the Clymate, the seconde yeare they beginn to understande the affaires of the Country, and the thirde provide for their retorne. But above all we humblie intreat yo^r Lo^{ps} that we may retaine the libertie of our generall Assemblye, then w^{ch} nothinge can more conduce to our satisfaction or the publique utilitie. Thus submittinge ourselves and our affaires to yo^r hono^{ble} patronage, We humblie take our leaves.

Wholly to be disposed by yo^r Lo^{ps}

James Cytty.

the last of *Februarye* 1623.

George Yeardley.

Roger Smythe.

J. Pountes.

Will Peirce.

Izaak Maddifon.

Jabez Whittaker.

Nath. Baffe.

John Utie.

Rich: Stephens.

John Chewe.

Edward Gryndon.

Thomas Marlott.

Gabriell Holland.

Edw: Blayney.

John Willcocks.

Francis Wyatt.

Frans. West.

George Sandys.

Raphe Hamor.

Sam. Mathews.

Will Tucker.

Nicolas Martian.

Izaak Chaplin.

Clem^t. Dilke.

Sam Sharpe.

Nathaniel Cauffey.

Richard Biggs:

Henry Watkins.

Robert Addams.

Rawley Crofham.

Rich. Kingesmyll.

Luke Boys.

(Indorfed)

“To the Right Hono^{ble} our very good Lordes: the Lordes of his Ma^{ties} most Hono^{ble} Privie Counsell.”

[From

¹ This name should be “*Pory*”.

[From Colonial Records of *Virginia*, pp. 69-83.]

A Breife Declaration of the Plantation of *Virginia* duringe the first Twelve Yeares, when Sir *Thomas Smith* was Governor of the Companie, & downe to this present tyme. By the Ancient Planters nowe remaining alive in *Virginia*.

WHEREAS in the beginnige of Sir *Thomas Smiths* twelve yeares government, it was published in printe throughout the Kingdome of *Englande* that a Plantation should be fettled in *Virginia* for the glorie of God in the propogation of the Gospell of *Christ*, the conversion of the Savages, to the honour of his Majesty, by the enlargeinge of his territories and future enrichinge of his kingdome, for which respects many noble & well minded persons were induced to adventure great sums of money to the advancement of soe pious & noble a worke, who have from the very first been frustrate of their expectation, as wee conceive, by the misgovernment of Sir *Thomas Smith*, aiminge at nothings more then a perticular gaine, to be raised out of the labours of such as both voluntarilie adventured themselves and were otherwise sent over at the common charge. This will cleerely appear in the examination of the first expedition & severall supplies in the tyme of his government.

The first Plantation in *Virginia* consisted of one hundred persons, so slenderly provided for that before they had remained halfe a yeare in this new Collony they fell into extreame want, not havinge anything left to sustein them save a little ill conditioned Barley, which ground to meal & pottage made thereof, one smale ladle full was allowed each person for a meale, without bread or aught else whatsoever, so that had not God, by his great providence, moved the Indians, then our utter enemies, to bringe us reliefe, we had all utterlie by famine perished. How unable so small a companie of people, soe poorely sent over, were to make way for such as shoulde followe, may easily be judged.

The first supplie beinge two shippes, the *John & Francis & Phenix*, with one hundred & twenty persons, worfe every way provided for then the former, arrived heere about eight or nine months after & found the Collony consisting of no more then forty persons (of those) tenn only able men, the rest at point of death, all utterly destitute of howses, not one as yet built, so that they lodged in cabbins & holes within the grounde; victualls they had none, save some small reliefe from the Indians, as some yet living weare feelinge witnesse, neither were we for our future and better maintenance permitted to manure or till any grounde, a thing in a new Plantation principally to be regarded, but weare by the direction of Sir *Thomas Smith*, and his officers heere, wholly imployed in cuttinge downe of mafts, cedar, blacke wallnutt, clapboarde, &c., and in digginge gould oare (as some thought) which beinge sent for *England* proved dirt. These works to make retorne of present proffit hindered others of more necessary consequence of Plantation.

After this first supplie there were some few poore howses built, & entrance made in cleeringe of grounde to the quantitye of foure acres for the wholl Collony, hunger & sicknes not permitting any great matters to bee donne that yeare.

The second supplie was a ship the *Mary Margett*, which arrived here nine months after, about the time of *Michaellmas*, in her sixty persons, most gentlemen, few or no tradesmen, except some *Polanders* to make Pitch, tarre, potashes, &c., to be returned for present gaine, soe meanly likewise were these furnished forth for victualles, that in lesse then two monthes after their arrivall, want compelled us to imploye our time abroad in trading with the Indians for corne; whereby though for a time we partly relieved our necessities, yet in *Maye* followinge we weare forced (leavinge a small garde of gentlemen & some others about the president at *James Towne*) to disperse the wholl Collony, some amongst the Salvages but most to the Oyster Banks, where they lived upon oysters for the space of nine weekes, with the allowance only of a pinte of Indian corne to each man for a week, & that allowance of corne continued to them but two weekes of the nine, which kinde of feeding caused all our skinns to peelee off, from head to foote, as if we had bene flead¹. By this time arrived Captaine *Samuell Argall* in a small Barque,

with

¹ An obsolete form of "flayed".

with him neither supplie of men nor victualls from the Company; but we understandinge that he had some small provisions of bread and wine, more then would serve his owne companie, required him and the master of the Barque to remaine ashore whilst we might bring his failles ashore the better to assure us of his ship & such provisions as could be spared, whereunto he seemed willingly to condescend. Those provisions, at a small allowance of Biskett, cake, and a small measure of wine or beere to each person for a Daye some what relieved us for the space of a month, at the end of which time arrived the thirde supplie, called Sir *Thomas Gates*, his fleet, which consisted of seven shippes & neere five hundred persons with whom a small proportion of victuall, for such a number, was landed; howles few or none to entertain them, so that being quartered in the open feilde they fell upon that small quantitie of corne, not beinge above seven acres, which we with great penury & sufferance had formerly planted, and in three days, at the most, wholly devoured it.

These numbers, thus meanelly provided, not being able to subsist and live together weare soone after divided into three parties and dispersed abroad for their better reliefe. The first under commande of Captaine *Francis West* to seat at the head of the River; a second under commande of Captaine *John Smith*, the President, at *James Towne*, & the other, with Capt. *John Martin*, in the River at *Nansamun*, which divisions gave occasions to the Indians treacherously to cutt off divers of our men & boates, and forced the rest at the end of sixe weekes, havinge spent those small provisions they had with them, to retire to *James Town* & that in the depth of winter, when by reason of the colde, it was not possible for us to endure to wade in the water (as formerly) to gather oysters to satisfy our hungry stomacks, but constrained to digge in the grounde for unwholesome rootes whereof we were not able to get so many as would suffice us, in respect of the frost at that season & our poverty & weakness, so that famine compelled us wholly to devoure those Hogges, Dogges & horses that weare then in the Collony, together with rates, mice, snakes, or what vermin or carryon soever we could light on, as alsoe Toad-tooles, Jewes eares, or what els we founde growing upon the grounde that would fill either mouth or belly; and weare driven through unfufferable hunger unnaturallie to eat those things which nature most abhorred, the flesh and excrements of man, as well of our owne nation as of an Indian, digged by some out of his grave after he had laien buried three daies & wholly devoured him; others, envyinge the better state of bodie of any whom hunger had not yet so much wasted as there owne, lay waight and threatened to kill and eat them; one amonge the rest slue his wife as she slept in his bosome, cutt her in peeces, powdered her & fedd upon her till he had clean devoured all partes saveinge her heade, & was for soe barbarouse a fact and cruelty justly executed. Some adventuringe to seeke reliefe in the woods, dyed as they sought it, & weare eaten by others who found them dead. Many putt themselves into the Indians handes, though our enemies, and were by them slaine. In this extremitie of famine continued the Collony till the twentieth of *Maye*, when unexpected, yet happely, arrived Sir *Thomas Gates* & Sir *George Somers* in two small Barques which they built in the *Sommer* Islands after the wreake of the Sea adventure wherin they sett forth from *Englande*, with them one hundred persons barely provided of vittell for themselves. They founde the Collony consistinge then of but sixty persons most famished and at point of death, of whom many soone after died; the lamentable outcries of theirs soe moved the hartes of those worthies, not being in any sorte able long to relieve their wantes they soone resolved to imbarque themselves & this poore remainder of the Collonye, in those two pinnaces & two other small Barques then in the River, to sett saile for *Newfoundland* where they might relieve their wants & procure one safer passage for *Englande*. Every man, glad of this resolution, laboured his uttmost to further it, so that in three weekes we had fitted those barques and pinnaces (the best we could) & quitted *James Towne*, leaving the poore buildings in it to the spoile of the Indians, hopeinge never to retorne to re-possess them. When we had not sailed downe the River above twelve miles but we espied a boat which afterwards we understoode came from the right Honourable Lorde *La Ware*, who was then

then arrived at *Point Comfort* with three good shippes, wherin he brought two hundred and fifty persons with some store of Provisions for them; but by reason he founde the Collony in so great want was forced to put both his owne people & the rest of the Collony to a very meane allowance, which was seven pounde of *English* meale for a man a weeke, & five pounds for every woman, without the addition of any victuall whatsoever, except, in the stead of meale, we took valuablie either pease or oatmeale. Upon the arrival of that boat, Sir *Thomas Gates* understandinge from the Lord *La Ware*, that his Lordship was arrived with commission from the Company to be Gov^r & Capt. Gen^l of *Virginia*, & had brought men & provisions for the subsistinge & advancing of the Plantation, he the very next daye, to the great griefe of all his Company (only except Capt. *John Martin*), as winde and weather gave leave, returned his whole company with charge to take possession againe of those poore ruined habitations at *James Towne* which he had formerly abandoned; himselfe in a boate proceeded downward to meete his Lordship who, making all speede up, arrived shortly after at *James Towne*. The time of the yeare being then most unseasonable, by intemperate heat, at the end of *June* his people suddenly falling generally into most pestilent diseases of Callentures and feavors, not lesse then one hundred & fifty of them died within few moneths after, & that chiefly for want of meanes to comfort them in their weak estates. The residue alsoe disabled by reason of sicknes could performe nothing that yeare to the advancement of the Collony, yet with the help of those people which had arrived with Sir *Thomas Gates*, together with some of the ancient Planters, who by use weare grown practique in a hard way of livinge, two small forts weare erected neare the rivers mouth at *Kicoughtun*, encompassed with small younge trees, haveinge for housing in the one, two formerlie built by the Indians & covered with bark by them, in the other a tent with some few thacht cabbins which our people built at our comming thether. We founde divers other Indian Howses built by the natives which by reason we could make no use of we burnt, killinge to the number of twelve or fourteene Indians, & possesseinge such corne as we founde growinge of their plantinge. We remained there untill harvest, when we reaped (besides what we spent) about the quantitie of one hundred and fiftie bushells of corne, which, by order from the Lord *La Ware*, was transported to *James Towne*.

His Lordship intendinge to send up certain forces to march towards the mountaines for the discoverie of gold or silver mines at the end of *October*, sent his Patents to Captaine *Yardley* and Captaine *Holcroft*, commanders of those two forts at *Kicoughtan*, wherin his Lordship gave order that they should be forthwith abandoned & the people with all speede to be brought to *James Citie*, there to prepare for his intended march.

At that time there arrived a small ship call the *daintie*, with twelve men & one woman, some little provision of victuall, two or three horses & some other slight necessities for the Collony. Soon after we sett forward for our intended march, havinge for our leaders Captaine *Edwarde Brewster* & Captaine *George Yeardley*, being in number one hundred persons, furnished with all such necessary provisions, as the Collony at that time out of its poverty was able to provide. This designe was hindered by reason of the unfortunate losse of all our chieffe men skillfull in findeinge out mines, who weare treacherously flaine by the Salvages (inviteinge them ashoare to eat victualls which they wanted) even when the meate was in their mouthes, they careinge only to fill their bellies, foresaw not to prevent this danger which befell them.

This injury we revenged for the present (as we coulde) by killinge some Indians and burninge many houses, but by reason of this disafter we proceeded not farther on our journey then the head of the River, where we spent about three moneths doinge little but induringe much; his Lordship was there in person for the most part of that time, but his disease of body groweing much upon him he resolved to retire to *James Towne*, givinge order that the fort which we had built there shoulde bee quitted and the troupe drawn downe, which accordingly was done. His Lordship then in regarde of his sickness was advised to putt to Sea in his ship, the *Delaware*, to seeke remedie in some other parts for the health of his bodye. At his going he left Captaine *George Percie*
Deputie

Deputie Governor, the people (remaining under his command) provided for three months at a short allowance of victualls. The calamities of these times would not any way permit workes of great importance to be performed, fith that we did was as much as we coulde doe to live and defende our selves.

The Plantations helde at his Lordships departure were only *James Towne* and *Pointe Comforte*, where a small Fort fenced with Palifadoes, in it one flight howfe, a store and some few thatcht cabbins, which shortly after by casualtie was burnt with fire; some few great ordinance were slenderlye mounted at *James Towne* and *Pointe Comfort*.

A fortnight after his Lordships departure arrived a small ship called the *Hercules*, with some thirty people and some provisions for them. The twelve of *May* followeing arrived Sir *Thomas Dale* with three ships and three hundred persons, his provisions for them of such qualitie (for the most part) as hogges refused to eat, some whereof were sent backe to *England* to testifie the same, and that the rest was not better was justified upon oath before the Hono^{ble} the Lorde Cheife Justice of the Common Pleas, at *Guilde hall* in *London*, by Sir *Thos. Gates* & two other gentlemen.

Sir *Thomas Dale*, takinge into consideration the precedent times not to have succeeded accordinge to the greedy desire of Sir *Thomas Smith*, presently employed the general Colony about the lading of those three ships with such freight as the country then yealded, but a little before the ships were readie to depart, Sir *Thomas Gates* arrived with three ships and three carvills, with him three hundred persons meanly provided with victualls for such a number. In this fleet, to our remembrance arrived sixtie cowes and some fwine; it was his care to dispatch those shippes and carvills freighted (as aforefaid) to the neglect of workes of greater importance. Sir *Thomas Dale* immediatly upon his arrival, to add to that extremitye of miserye under which the Collonye from her infancie groaned, made and published most cruell and tiranous lawes, exceeding the strictest rules of marishall discipline, which lawes were sent over by Sir *Thomas Dale* to Sir *Thomas Smith* by the hande of M^r *William Starchey*, then Secretarie to the State, and were returned in print, with approbation, for our future government, as in divers bookes yet extant more fully appeareth.

At *Michaellmas* then next following, Sir *Thomas Dale* removed himself with three hundred persons for the buildinge of *Henrico Towne*, where being landed he oppressed his whole companye with such extraordinarye labors by daye and watchinge by night, as maye seeme incredible to the eares of any who had not the experimentall triall thereof. Wante of houfes at first landinge in the colde of winter, and pinchinge hunger continually bitinge, made those imposed labours most insufferable, and the best fruits and effects thereof to be noe better then the slaughter of his Majestys free subjects by starveinge, hangeinge, burneinge, breakinge upon the wheele and shootinge to deathe, some (more than halfe famished) runninge to the Indians to gett reliefe beinge againe returned were burnt to death. Some for stealinge to fatisfie their hunger were hanged, and one chained to a tree till he starved to death; others attemptinge to run awaye in a barge and a shallop (all the Boates that were then in the Collonye) and therin to adventure their lives for their native countrye, beinge discovered and prevented, were shott to death, hanged and broken upon the wheele, besides continuall whippings, extraordinarye punishments, workinge as slaves in irons for terme of yeares (and that for petty offences) weare dayly executed. Many famished in holes and other poore cabbins in the grounde, not respected because sicknes had disabled them for labour, nor was their sufficient for them that were more able to worke, our best allowance being but nine ounces of corrupt and putrified meale and halfe a pinte of oatmeale or pease (of like ill condition) for each person a daye. Those provisions were sent over by one *Winne* a Draper, and *Caswell*, a baker, by the appointment (as we conceive) of Sir *Thomas Smith*. Under this Tiranus Government the Collony continued in extreame slaverye and miserye for the space of five yeares, in which time many, whose necessities enforced the breach of those lawes by the strictnes and severitye thereof, suffered death and other punishments.

Divers

¹ This should be "*Strachey*".

Divers gentlemen both there and at *Henrico* towne, and throughout the wholl Collonye (beinge great adventurers and no frendes or alliance to Sir *Thomas Smith*) weare feeling members of thofe generall calamities, as far forth as the meaneft fellow sent over.

The buildings and fortifications of that Towne, or thereabouts, were noe way extraordinary, neither could want, accompanied with bloode and crueltie, effect better.

Fortification againft a foreign enemy there was none, only two or three peeces of ordenance mounted, and againft a domiftic noe other but a pale inclofinge the Towne to the quantitye of foure acres, within which thofe buildings that weare erected, coude not in any mans judgement, neither did ftande above five yeares and that not without continuall reparations; true it is that there was a Bricke Church intended to be built, but not foe much as the foundation thereof ever finifhed, but we contentinge our felves with a church of wood anfwerable to thofe houfes. Many other workes of like nature weare by him donne at *Henrico* and the precincts thereof, but fo flightly as before his departure hence, he himfelf faw the ruine and defolation of moft of them.

Sir *Thomas Gates* likewife in his time erected fome buildinges in and about *James Towne*, which by continuall coft in repaireinge of them doe yet for the moft part in fome fort remaine.

A framed Bridge was alfoe then erected, which utterly decayed before the end of Sir *Thomas Smiths* government, that being the only bridge (any way foe to be called) that was ever in the country. At this time in all thefe labours, the miserye throughout the wholl Collony, in the fcarcitye of foode was equall; which penurious and harde kinde of liveinge, enforced and emboldened fome to petition to Sir *Thomas Gates* (then Governor) to grant them that favor that they might employ themfelves in hufbandry, that therby they and all others by plantinge of corne, might be better fed then thofe fupplies of victual which were sent from *Englande* woulde afforde to doe, which requeft of theirs was denied unleffe they woulde paye the yearlye rent of three barrells of corne and one monthes worke to the Collonye, although many of them had been employed in the general workes and fervices of the Collony from the beginninge of the Plantation, which harde condition of Tenantship was then accepted rather then they woulde continue in thofe general fervices and employments noe waye better then slavery. Moft part of the time that Sir *Thomas Gates* and Sir *Thos. Dale* governed we were at warre with the natives, fo that by them divers times were many of our people flaine, whose blood Sir *Thomas Dale* neglected not to revenge, by divers and fundry executions, in killinge many, cuttinge downe and takinge away their corne, burninge their houfes, fpoiling their weares, &c.

In this time alfoe the two fortes, fort *Henry* and fort *Charles*, at *Kicoughton*, were againe erected with fuch buildings as were formerly expreffed, not fortified at all againft a forreine enemye, and againft the Indian that common order of a pale or pallifadoe.

The fupplies sent out of *Englande* while Sir *Thos. Gates* and Sir *Thos. Dale* governed were thefe; a fmall barque called the *John* and *Francis*, which brought few men and lefs victual; the next a fmall fhip called the *Sarah*, with the like number of men and victuall; the next fhip called the *Treforer*, wherin came Capt. *Samucl Argoll*, bringinge with him to the number of fiftie good men, which fhip and men were wholly employed in Trade and other fervices for relevinge of the Collonye; the next fhip, called the *Elizabeth*, with about thirteene perfons, for them little provifion; the next the fame *Elizabeth* came againe, with fome fmall ftore of provifions only; in her Sir *Thos. Gates* went for *Englande*, leavinge the government with Sir *Thomas Dale*.

A little before the departure of Sir *Thomas Gates* many of the ancient planters (by the infatigation of Sir *Thomas Dale*), uppon the promife of an abfolute freedome after three yeares more to be expired (havinge moft of them already ferved the Collonye fix or feaven yeares in that general slavery) were yet contented to worke in the buildinge of *Charles Citty* and Hundred, with very little allowance of clothinge and victuall, and that only for the firft yeare, being promifed one moneth in the yeare, and one daye in the weeke from *Maye* daye till harveft, to gett our maintenance out of the earth without any

any further helpe; which promise of Sir *Thos. Dale* was not performed, for out of that small time which was allowed for our maintenance we were abridged of nere halfe, soe that out of our daily taskes we were forced to redeeme time wherin to labour for our sustenance, thereby miserably to purchase our freedome. Yet so fell it out that our State (by Gods mercy) was afterwarde more happie then others who continued longer in the aforementioned slaverye; in which time we built such houses as before and in them lived with continual repairs, and buildinge new where the old failed, untill the massacre.

For matter of fortification in all this time, were only foure peeces of ordinance mounted for our defence against the natives. Soone after we were feated at *Charles Hundred*, Sir *Thomas Dales* resolved of a journey to *Pamoukey River*, there to make with the Salvages either a firme league of friendship or a present warre; they perceiving his intent inclined rather for peace (more for feare then love) which was then concluded betwixt them. That done we returned to our habitations where great want and scarcitie, oppressed us, that continuinge and increasinge, (our first harvest not yet being ripe) caused in many an intended mutinye, which beinge, by Gods mercy, discovered, the prime actors were duly examined and convicted, wherof fixe beinge adjudged and condemned were executed.

After this, arrived for supply a small ship called the *John* and *Francis*, with about twenty persons and little or noe provisions for them. The next ship, called the *Trefozer*, arrived heere with the number of twenty persons and as little provisions as the former, in which ship after many other designed were effected by Sir *Thos. Dale*, as makinge spoile of the *Keschiacks* and *Warischoyacks*, impalinge some necks of Lande, for defence against the Salvages, and in fishing for our reliefe, &c., he departed from *Virginia*, and left the Government to Captain *George Yardley*, under whom the Collony lived in peace and best plentye that ever it had till that time, yet most part of the people for that yeare of his Government continued in the generall services followinge their labors as Sir *Thos. Dale* left them by order.

At *Michaelmas* followinge arrived a small ship called the *Susan*, her lading (beinge the first Magazin) consistinge of some necessarye provisions of clothinge, as our wants required, which goods were sold by Sir *Thos. Smith's* factor, as we suppose, for a sufficient profit, exchanginge with us their commodities for our Tobacco.

At *Christmas* then followinge, just occasion beinge given by the Indians of *Chiquohomini* in many and several kindes of abuses, and in deridinge of our demandes, wherunto they had formerly agreed and conditioned with Sir *Thomas Dale* to paye us yearlye tribute, viz: a bushell of corne for every Boweman, for which, by agreement, we were to give to each man one peece of copper and one iron tomahawke, and to the eight chiefe men each a fuit of redd cloth, which clothes and truckinge stuffe we esteemed of more worth then their corne. These and the like grosse abuses moved our Governor, Captaine *George Yeardley*, to levye a company of men, to the number of eighty-four, to bee revenged upon those contemptous Indians, which he, accordinge to his desire, fully executed, and returned home with the spoile of them: concludinge, before his departure from them, a more firme league in appearance than formerly was, for that it continued unviolated almost the space of two yeares; our people freely travelinge from Town to Towne (both men, women and children) without any armes, and were by the Salvages lodged in their houses, every way kindly intreated and noe way molested.

In *March* followinge, our three yeares time beinge expired, as it was our due, we of *Charles Hundred* demanded our long desired freedome from that common and general servitude; unto which request Captaine *George Yeardley*, freely and willingly assented, to our great joy and comfort. Yet remained the most part of the Collony in the former servitude; part of whom were farmers, the rest employed in such workes as Sir *Thomas Dale* gave order for before his departure.

We that were freed, with our humble thanks to God, fell cheerfully to our particular labours, wherby to our great comfort, through his blessinge, we reaped a plentifull harvest.

In *May* followinge arived Captain *Samuel Argoll* with commiffion to be Governor. He brought with him to the number of a hundred perfons, partly at the charge of the Company and partly at the charge of private adventures; with them was brought a very little provifion for that number. At his arrival heere he founde the Collony in all parts well ftored with corne, and at *Charles Hundred* a granery well furnifhed by rentes lately raifed and received from the farmers, which corne he tooke poffeffion of, but how it was imployed himfelfe can beft give an account. Whileft he governed, the Collony was flenderly provided of munition, whereby a ftrict proclamation was made for restraint of waftinge or fhooting away of powder, under paine of great punifhment; which forbiddinge to fhoot at all in our peeces caufed the loffe of much of oure corne then growinge uppon the ground; the Indians perceivinge our forbearance to fhoot (as formerly) concluded thereuppon that our peeces were, as they faide, ficke and not to be ufed; uppon this, not longe after they were boulded to prefume to affault fome of our people, whom they flew, therin breakinge that league, which before was fo fairly kept.

Duringe his time of Government moft of the people of the Collony remained (as formerly) in the common fervice, their freedome not beinge to be obtained without extraordinary payement.

The next fhip that arrived heere was the *George*, fett forth, as we fupofe, at the charge of private adventurers, but came foe meanly provided with victuall, that had not we, the old Planters, relieved them moft of them had been ftarved. The next fhips, called the *Neptune* and *Treafurer*, arived in *Auguft* followinge, fet out at the charge of the Right Hono^{ble} the Lord *Laware*, his noble affociates, and fome other private adventurers. The people w^{ch} arived were foe poorely victualled that had they not been diftributed amongft the old Planters they muft for want have perifhed; with them was brought a moft peftilent difeafe (called the Bloody flux) which infected all moft all the whole Collonye. That difeafe, notwithstanding all our former afflictions, was never knowne before amongft us.

The next fupply weare two fhips called the *William & Thomas* and the *Guift*, which arived in *Januarie*; the *Guift* beinge fett forth at the charge of the Societie of *Martins Hundred*, the other by the Magazin and fome private adventurers.

The next, a fmall fhip called the *Elinor* (fett forth at whofe charge we know not), arived heere in *Aprill* after, and in her Capt. *Samuell argoll*, leaving his Government, fhipt himfelfe for *Englande*. Whatfoever els befell in the time of his Government we omit to relate, much beinge, uppon our oathes, already fufficiently examined and our anfwers fent for *Englande*.

By all which hath heertofore beene faide concerninge this Collony, from the infancie thereof and untill the expiration of Sir *Thomas Smiths* government, may eafily be perceived and plainly underftood what juft caufe he or any els have to boaft of the flourifhing eftate of thofe times, wherin fo great miferies and callamities were indured, and foe few werkes of moment or importance performed, himfelfe beinge juftly to be charged as a prime author thereof, by his neglect of providinge and alloweing better meanes to proceede in fo great a worke, and in hindering very many of our frendes from fendinge much releife and meanes who beinge earnestly folicted from hence by our letters—wherin we lamentable complained unto them—have often befought Sir *Thomas Smith* that they might have leave to fupplie us at their owne charge both with provifion of victuall and all other neceffaries, wherin he utterlie denied them fo to doe, proteftinge to them that we were in noe want at all, but that we exceeded in abundance and plentie, of all things, fo that therby our frendes were moved both to defift from fendinge and to doubt the truth of our letters, moft part of which weare by him ufually intercepted and kept backe; farther giveinge order by his direftions to the Governor heere, that all mens letters fhould be feached at the goinge away of fhips, and if in anye of them weare founde that the true eftate of the Collony was declared, they were prefented to the Governor and the indighters of them feverely punifhed; by which meanes noe man durft
make

make any true relation to his frendes of his owne or the Collonyes true estate; neither was it permitted to anye to have passe to goe home, but by force were kept heere and employed as we have saide (save some few), one of whom received his passe from the Kinge, and that closely made up in a garter, leaft it should have been feized upon and he kept heere notwithstandinge. Those whom their frendes procured their passe in open courte from the Companye were, by private direction, neverthelesse made staye of, others procuringe private letters having been lett goe.

We must alsoe noat heere, that Sir *Thos. Dale*, at his arrivall finding himself deluded by the aforefaid protestations, pulled Capt. *Newport* by the beard, and threatninge to hang him, for that he affirmed Sir *Thos. Smiths* relation to be true, demandinge of him whether it weare meant that the people heere in *Virginia* shoulde feed upon trees.

Soe may we heere conclude, as some have concluded for him, to what great growth of perfection (with the expence of that seaventie thousand poundes) the Plantation was advanced in the time of his 12 yeares government, but whether, as it is saide, he be to be praised for the managaing of these affaires, with much unanimity, moderation, integritie and judgment, we leave it to censure.

At the end of this twelve yeares arived Sir *George Yeardley* to be Gov^r and founde the Collony in this estate and thus furnished, *vizt*: For fortification against a forreign ennemie there was none at all; two demy culverin only were mounted upon rotten carriages and placed within *James Citty*, fitter to shoot downe our houses then to offend an ennemie. At *Charles Hundred*, which were mounted by Sir *Thos. Dale*, two demy culverin and one sacre; fortifications against a domestique enimie very mean. For Forts, Towns and Plantations he founde these: *James Citty*, *Henrico*, *Charles Citty* and *Hundred*, *Shirley Hundred*, *Arrahattock*, *Martin Brandon* and *Kicoughton*, all w^{ch} were but poorely houfed and as ill fortified; for in *James Citty* were only those houses that Sir *Thom. Gates* built in the time of his government, with one wherin the Gov^r allwayes dwelt, an addition beinge made thereto in the time of Captaine *Sam^l Argoll*, and a church, built, wholly at the charge of the inhabitants of that citty, of Timber, beinge fifty foote in length and twenty foot in breadth; at *Paspahayes* alsoe weare some few flight houses built; at *Henrico*, two or three old howses, a poore ruinated church with some few poore buildings in the Island; *Coxen Dale* and the Maine and att *Arrahattocke* one house, at *Charles Citty* fixe howses much decayed, and, that we may not be too tedious, as these were the rest of the places furnisht.

For people then alive about the number of foure hundred, very many of them in want of corne, utterlie destitute of cattle, swine Poultrye and other Provisions to nourish them.

For Barques, Pinnaces, Shallops, Barges and Boates he founde only one olde Frigott, which belonged to the *Sommer* Islandes, one olde Shalopp built in Sir *Thos. Dales* time, one boat built in Sir *Saml Argolls* time, with two small boates belonginge to private men. For munition a very small quantitye, the most part thereof beinge very bad and of little use. For ministers to instruct the people he founde only three authorized, two others who never received their orders.

For staple commodities at his arrivall he founde none afoot save only Tobacco. The natives he founde upon doubtfull termes, neither did we ever perceive that at any time they voluntarilie yealded themselves subjects or servants to our Gracious Sovereigne, neither that ever they tooke any pride in that title, nor paid they at any time any yearly contribution of corne for the sustentation of the Collony, nor could we at any time keepe them in such goode respect or correspondencie that they and we did become mutuallie helpful or proffitable, each to other, but to the contrary, whatsoever at any time was done upon them proceeded from fear without love, for such help as we have had from them have been procured by sword or trade. And heere can we noe way approve of that which hath lately beene saide in the behalfe of Sir *Thos. Smith*, by some of his new frendes, that a flourishinge plantation in *Virginia*, erected in the time of his 12 yeares government, hath since been destroyed through the ignorance of succeedinge

ceedinge Governours heere, for that by what we have already faide all the worlde may judge in what a flourifhing eftate it was, and to what growth of perfection it was advanced, at the arivall of Sir *Geo. Yeardeley* to be Gov^r here, it beinge then in our judgments, that were members of the colony, in a poore eftate.

The whole 12 yeares expired.

Aprill, 1619.—Arived Sir *Geo. Yeardeley*, bringing certain commiffions and instructions from the Company for the better eftablifhing of a Commonwealth heere, wherein order was taken for the removing of all thofe grievances which formerly were fuffred and manifefted the fame by publifhing a Proclamation that all thofe that were refidend heere before the departure of Sir *Thos. Dale* fhould be freed and acquitted from fuch publique fervices and labours which formerly they fuffered, and that thofe cruell lawes by which we had foe longe been governed were now abrogated, and we were now to be governed by thofe free lawes which his Ma^{tyes} fubjects live under in *Englande*. And farther that free libertie was given to all men to make choice of their dividents of lande and, as their abilities and meanes w^d permitt, to poffeffe and plant upon them. And that they might have a hande in the governinge of themfelves, it was granted that a general affembly fhould be helde yearly once, wherat were to be prefent the Gov^r and Counfell with two Burgefles from each Plantation freely to be elected by the inhabitants thereof; this affembly to have power to make and ordaine whatfoever lawes and orders fhould by them be thought good and proffittable for our fubfiftance. The effect of which proceedinge gave fuch encouragement to every perfon heere that all of them followed their perticular labours with fingular alacrity and induftry, foe that, through the bleffing of God upon our willinge labors, within the fpace of three yeares, our countrie flourifhed with many new erected Plantations, from the head of the River to *Kicoughtan*, beautifull and pleafant to the fpectators, comfortable for the releife and fuccor of all fuch as by occafion did travaile by land or by water; every man giveinge free entertainment, both to frendes or others. The plenty of thefe times likewise was fuch that all men generally were fufficiently furnifhed with corne, and many alfoe had plenty of cattle, fwine, poultry and other good provifions to nourifh them. Monethly courtes were held in every precinct to doe juftice in redreffing of all fmall and petty matters, others of more confequence being referred to the Gov^r, Counfell and Generall Affembly. Now alfoe were begunne and fett a foote the erecting of Iron Workes, plantinge of vines and mulberrie trees for the nourifhing of filke wormes; a trial made for filke graffe tillage for *Englifh* graine, gardeninge, and the like, which gave great hopes of prefent and future plenty in their feverall perticulars, wherein no doubt but much more had been effected had not great ficknefs and mortalitie prevented.

Thofe yeares fallinge out to be generally contagious through this contient, the people alfoe fent over arrived heere at the moft unfeafonable time of the yeare, beinge at the heat of Sommer, and divers of the fhips brought with them moft peftilent infections, wherof many of their people had died at Sea, foe that thefe times alfoe of plenty and libertie were mixed with the calamities of ficknes and mortalitie.

In *October, 1621*, Arived Sir *Fras. Wyatt*, Knight, with commiffion to be Gov^r and Capt. Gen^l of *Virginia*. He ratified and confirmed all the afore mentioned liberties, freedomes and priveledges, to our great happines and content; the country alfoe flourifhed and increafed in her former proceedinges, as iron workes, plantinge of vines and mulberrie for filke, &c. A fhip alfoe was fent to the *Summer* Iſlandes for fuch commodities as that place afforded, as Potatoes, Fig Trees, Orange and Lemon Trees, and fuch like, many of which profper and growe very likely to increafe. But amidft this happines was the Hande of God fett againft us, in great part, no doubt, for the punifhment of our ingratitude in not being thankful but forgettfull that by his mercye we were delivered from fuch bondage and calamitie as before time we had fuffered. Juftly likewise were we punifhed for our greedy defires of prefent gaine and profit, wherein many fhewed themfelves infatiable and covetous; we beinge too feure in truffing of a treacherous enimie, the Salvadges, they, whileft we entertained them frendly in our houfes, tooke their opportunities and fuddenly fell upon us, killing and murdering very

very many of our people, burninge and devaftinge their houfes and plantations, this happeninge upon the two and twentieth of *March* followinge (1622), ftroocke fo at the life of our wellfare by blood and fpoile, that it almoft generally defaced the beautie of the wholl Collonye, puttinge us out of the way of bringinge to perfection thofe excellent workes wherin we had made foe faire a beginninge.

This deadly ftroake being given to the great amazement and ruine of our State, caufed our Governor and Counfell, withall fpeede, for the fafetie of the reft (left the Indians fhoulde take courage to purfue what they had begunne), to re-colle&ct the ftrangling and woefull Inhabitants, foe difmembered, into ftronger bodies and more feure places. This enforced reducement of the Collony into fewer bodies, together with the trouble of warre then in hande, caufed the year following a slender harveft to be reaped, whereby we weare conftained to relye upon hopes for our reliefe by fhippinge out of *Englande*, and by trading with the more remote Salvadges, moft part of which fupplies from *Englande* unfortunately mifcarried by the waye, the Salvadges, likewise, from whome we hoped to have helpes by trade, proved our moft treacherous enemies, cunninglye circumventing and cruellie murdering fuch as were employed abroad to gett reliefe from them, by all which mifaccidents we fell that yeare into great want and fcarcitye; which fince, by the bleffinge of God, through our fupplies we have had from the Company, together with a plentiful harveft, hath bene abundantly reftored. Our Gov^r, Counfell and others have ufed their uttermoft and Chriftian endeavours in profequing revenge againft the bloody Salvadges, and have endeavoured to reftore the Collonye to her former profperitye, wherin they have ufed great diligence and induftrye, imploying many forces abroad for the rootinge them out of feveral places that therby we may come to live in better feuritye, doubtinge not but in time we fhall clean drive them from thefe partes, and therby have the free libertie and range for our cattle, the increafe of whom may bringe us to plentie, and maye alfoe more freely goe on againe with letting up thofe ftaple commodities which we hoped by this time to have brought to good perfection.

For the fupplies fhippinge, men, cattle and provifions that have arived heere fince Sir *Thomas Smith* left his government we can not nowe well reckon up, they beinge manye, but muft referre you to the printed bookes and to the Lifts and Invoices returned by Sir *Geo. Yeardley*.

For the State of the Collony at this prefent we leave to the report of fuch commiffioners as are nowe fent over by the Right Hon. the Lordes of his Ma^{ties} privie counfell.

This beinge reade in the Gen^l Affembly received full approbation.

[From the *Bancroft* Transcripts, *New York* Public Library, II, 377-379.]

To the Right Worth Sr Francis Wyatt Knight, Governo^r and Capt. Gnerall of Virginia and to the right Worth and others of the Generall Affembly.

WHEREAS out of his Ma^{ties} gracious care for the good of this Plantation, it hath pleased their Lo^{ps} of his Ma^{ties} moft hono^{ble} Privie Counsell to com&nd us to give them true and particuler notice of the prefent eftate of the fame, in divers confiderable points, fome whereof may beft be refolved by this worthie Affembly; our earneft defire is, youe would be pleased to deliver unto us yo^r opinion in writtinge to thefe foure popofitions. *Viz.*

1. What places in the Cuntry are beft or moft proper to be fortified or mantained either againft Indians or other enemies that may come by Sea.
2. How the Collony now ftands in refpe&ct of Savadges.
3. What hopes may truly and really be conceived of this Plantation.
4. And laftly w^{ch} be the dire&cteft meanes to attaine to thofe hopes.

John Harvey.

Jo. Porey.

Abrah: Perfey.

Sam: Mathewes.

Concordat cum originali

Ed: Sharples. Cler:

[From

March 2, 1623.

The Generall Affsemblies Replie to thofe foure propofitions made unto them by the Comiffion^{rs} to bee prefented to the Lordes of his Ma^{ties} moft hono^{ble} Privie Counfell.

1. **W**HAT places in the Country are beft or moft proper to bee fortified or maintained, againft Indians or other enimies that may come by fea.

Pointe Comfort is of moft ufe but of great charge and difficultie.

Warifcoyake where the fortification was intended more effectually to fecure the places above y^t from *Wyanoake* marifh upwards there are divers places w^{ch} may peremptorily comānde Shipping or Boates: the beft againft the Indians and moft of ufe for the future increafe of plentie, is the wining of the forreft by runing of a pale from *Martins* hundred to *Chiskiacke* w^{ch} is not above fixe miles: and plantinge uppon both rivers, the river of *Pamunkey* beinge alfoe more defensible againft a forreign enimie.

2. Howe the Collony nowe ftandes in refpect of the Salvages. The termes betwixt us and them are irreconciliable, the charge of driveinge them awaye, w^{ch} woulde reduce us to a better eftate then wee weare in before the maffacre, foe great as yt is to wayghtie for us to fupport though hitherto we have doune whatfoever yt was poffible for our meanes and numbers to effect, an enimye from whom there is noe fpoile to bee expected, the advantage of the woodes and the nymblenes of their heeles preventes execution; the harmes that they doe us is by ambufhes and fuddein incurfions where they fee their advantages, we never fince the maffacre haveinge loft one man in any expedition againft them, the inconveniencies that wee receive from them are of farre more confequence; we have not the fafe range of the Country for increafe of Cattle, Swyne &c nor the game and foule w^{ch} the Country affordes in great plentye; befides our duties to watch and warde to fecure our felves and lab^{ors} are as harde and chargeable, as if the enimie weare at all tymes prefent.

3. What hopes may truly and really bee conceived of this Plantation:

We houlde yt to be one of the goodlyeft partes of the earth aboundinge wth navigable Rivers full of variety of fifh and foule, fallinge from high and fteepe mountaines, w^{ch} by the generall Relation of the Indians are rich wth mines, Golde, Silver and Copper, an other Sea lyeinge wth in fixe dayes jorney beyonde them into w^{ch} other Rivers defcende. The foyle fruitful and apt to produce the beft fortes of Commodities, replenifhed wth many trees for feveral ufes, guñes, dyes, earths and fimples of admirable vertue, vines and mulburitrees groweing wilde in great quantities the woods full of deare, Turkies and other beafts and birdes: for more perticuler relation we referr you to the reportes of S^r *Thomas Gates* and S^r *Thomas Dale* made unto the Company concerneinge thofe praifes noe way hiperbolicall, nor any country more worthie of a Princes care and fupportance.

4. Which bee the directeft meanes to attaine to thefe hopes.

The way to attaine to thefe hopes is to have a runninge armye continually a foote to keepe the Indians from fettlinge on any place that is neere us, to fend over numbers of people to arrive heere about the prime of Winter, wth provifions of Cattle and wth full provifions for themfelves at leaft for a yeare: in the meane tyme to fall only uppon the plantinge of Vines and Mulbury trees and to fende men over that are expert in thofe faculties, to plant gardens and orchardes, and fuch thinges as are usefull for the fuffenance of mans life, to rayfe the price of tobacco by the fole importation, and reduceinge the Cufomes to the rate of the letters Pattents, and when the Country fhall be bleffed wth plenty of fuch provifions and multitudes of people, to proceede in the difcovery of the wealth of the mountaines and Comodities of the Seas, that are credibly reported to lye beyonde them A care muft be had that fhips come not over peftered, and that they may be well ufed at Sea wth that plenty and goodnes of dyett as is promifed in *Englande*, but feldome performed, that when they come they firft fall to buildinge of good and convenient howfes, and bringe men over for that purpofe: that for the firft yeare they only endeavo^r themfelves to the plantinge of Corne, to the makeinge of gardens,

to

to the choofeing & inclofeing of fitt places for their Cattle and to the plantinge only of fo much tobacco as may ferve to fufftaine them in neceffary clothinge for the fucceeding yeare, a proportion of mault they fhould alfoe bringe over to make themfelves beare, that the fuddein drinkinge of water caufe not to great an alteration in their bodyes: that they fhoulde employe themfelves to the plantinge of *Engliffh* graine, that therby wee may have the hopes of two harvefts: And that fuch numbers may be feated together as may be able to fecure themfelves, and to make good fuch a part of the country as they may have free and fecure range for the fuffenance and increafe of their Cattle. Thefe doune we doubt not but in convenient tyme to purchafe to his Ma^{tie} a riche and flowrifhing Kingedome

Francis Wyatt.

Frans. Weft.

George Sandys.

Raphe Hamor.

Roger Smythe.

William Tucker.

Henry Watkins.

Jabez Whittaker.

Nathaniel Baffe.

John Pollington.

John Utie.

Robert Addams.

Richard Bigges.

John Chewe.

Rich: Kingefmyll.

Edward Blayney.

Luke Boys.

George Yeardley.

J. Pountes.

John Pott.

Nicolas Martian

Will: Peirce.

Ifaack Maddifon.

Sam. Sharpe.

Ifaack Chaplin.

Clem^t Dilke.

Rawley Crofham [Crowfhaw].

Nath: Cauffey.

Thomas Marlott.

Thomas Harris.

Ric: Stephens.

John Wilcockes.

[From the *Bancroft* Trancripts, *New York* Public Library, II, 393-395.]

To the Right Worth Sr Francis Wyatt, Knight, Governour & Capt: Generall of Virginia and to the Right Worth and others of the Generall Affembly.

Right Worth &c

BEINGE well affured that in a weekes time, fince our publifhing of their Lo^{ps} orders in yo^r generall Affembly youe cannot but maturely have confidered of the fame; to the end that for the fpeedier advancement of this Colony in generall, and the fecuringe of every mans intereft in perticuler, all of us may by o^r fubmiffion and thankfullnes as by obedience and facrifice both together ingratiat both o^r perfons and comon caufe to his Ma^{ties} moft renowned clemencie; Wee as remembrancers unto youe, thought it no leffe then o^r dutie on all fides to propound to yo^r graver confideration this forme enclosed w^{ch} we hope youe will apprehend very fitt to be fubfcribed unto by the whole Affembly, and to be fent home unto their Lo^{ps} from us, beinge none other then wee o^r felves will moft readely and moft humbly fett o^r hands unto. So craveing yo^r anfwer in writtinge, in cafe youe fhall otherwife refolve Wee wifh to yo^r Counfells good events and reft

At yo^r fervice towards the fettinge upp of the Publique

John Harvey.

Jo. Porey.

Abraham Perfey.

Samuell Mathews.

James Citty.

March 2. 1623.

Concordat cum originali

Ed. Sharples, Cler:

[From

[From the *Bancroft* Transcripts, *New York* Public Library, II, 397-399.]

The forme of Subscription presented to the Generall Affembly by Capt. *Harvey*,
M^r *Porey*, M^r *Peirse* and Capt: *Mathews*. *March* 2. 1623.

WHEREAS out of their Lo^{ps} three Orders from the Counsell Board in *England* lately published in this Generall Affembly, We are given to und^rstand, that his Ma^{tie} hath signified his gracious pleasure for the univerfall good of this Plantation (now by reason of o^r late calamities being in an unfettled estate) to intitute another forme of Government, whereby this worke may be upheld and better prosper in time to come, and to that end hath required surrender of the present Pattents, declaring neverthelesse his Ma^{ties} Royall resolution of assuringe unto the particuler members of the Comp^y such Lands and priviledgs in the said Cuntry, as accordinge to the proportion of each mans adventure, and proper interests do now belong unto them. Wee of this generall Affembly do by subscription of o^r names not only professe and testifie our due thankfullnes for that his Ma^{ties} most gracious and tender care over us, but do for o^r parts in all humility and willingnes submitt o^rselves to his princely pleasure of revokinge the old Pattents and of vouchsafeing his Ma^{ties} new Letters Pattents, to those noble ends and purposes above men^oned.

James Citty March 1623.

Vera Copia Extract

Ed: Sharples, Cler:

[From the *Bancroft* Transcripts, *New York* Public Library, II, 401-402.]

The answer of the Governor, Counsell & General Affembly to y^e letter & wrighting of
Capt. *John Harvey* and others delivered to us y^e 2 of *March* 1623.

WE have presented our humblest thanks to his sacred Ma^{tie} for his gracious and tender care over us and have returned o^r answers (in due submission.) to their Lo^{ps} Letters and Orders. When o^r consent to the surrender of the Pattents shalbe required, will be the most proper time to make reply: in the mean time wee conceive his Ma^{ties} intention of changinge the Government hath proceeded from much misinformation, w^{ch} wee hope may be altered uppon o^r more faithfull declarations.

Dated *March* 2, 1623.

Extract: et examinat: ꝑ Ed. Sharples. Cler:

[From the *Bancroft* Transcripts, *New York* Public Library, II, 405-406.]

To the Wor^{sh} Cap^t *John Harvey Esq^r* and others.

Wor^{sh}

SINCE wee conceive not how this last proposition (to w^h wee have bene contented to give an answer) hath had ground from any instructions w^{ch} wee have yett seene. Wee desire that before the Generall Affembly be dissolved (w^{ch} will be tomorrow) youe will shew us the depth of yo^r authority, or otherwise to sett itt downe und^r yo^r hands that youe have no further Comission or Instru^ons w^{ch} may concern us as yo^u have already professed.

Dated *March* y^e 2 1623.

Ready to joyn wth yo^u for the Publique

Subscript

the Generall Affembly
Vera Copia Extract. ꝑ

Ed: Sharples.

[From

[From the *Bancroft Transcripts, New York Public Library, II, 409-412.*]

To the right Wor^{sh} S^r Francis Wyatt Knight, Governour and Capt Generall of Virginia
And to the Right Wor^{sh} and others of y^e Generall Affembly.

Right Wor^{sh} &c

YESTERDAY att the delivery of our papers wee acknowledged that wee had neither Comission nor Instructions to move you to subscribe to that forme of subscription and thankfullnes to his Ma^{ty}, w^{ch} then wee presented, neither can so much as a shadow of any such thinge be collected, out of o^r Letter or motion therein enclosed. What wee propounded was out of o^r discretion, by way of Counsell for the good of this Plantation, not precipitate nor sudden, proper to the time, occasion and Company, and the marke aimed att was no lesse then his Ma^{ties} favor upon o^r persons and comon cause to be obeyned by obedience and thankfullnes. Now as there needed neither Comission nor instructions for us to propound the practice of so eminent a duty, so it is lawfull and free for us, beinge free men and Planters to offer to the generall Affembly any reasonable motion though of farr lesse consequence. And therefore had youe not beene content to have given us an answer, youe might have seemed to us discontent, or att least discourteous. Neither upon this occasion have youe reason to ferch into the depth of our authority (seeing o^r yesterdaies Motion dependeth not nor needs to depend upon o^r perticuler Comission) much lesse to urge us to sett downe any thinge und^r o^r hands. Nor can wee professe that wee have no further Comission w^{ch} may concern youe, then that wee have already putt in execution. For o^r Comission yett unperformed concerneth youe in yo^r persons, servants, corne, cattle, armes, houses &c. Nor need youe suspect that wee will attempt any thinge, to the wrong of any man, or w^{ch} wee cannot very well answer. So we rest the same y^t formerly,

John Harvey
Abraham Pensfey [Pensfey]
Jo: Povey [Povey].
Samuell Mathews.

James Cytty Mar: 3. 1623
Vera Copia. Extract ¶

Ed: Sharples, Cler:

[Orders of the General Affembly of 1623/24. From the Library of Congress Ms. Rec. *Virginia Co.*, III, pt. I, pp. 6 & 9.]

It is ordered that the severall Plantationes shall transporte ye Comissioners sent over by his Ma^{ties} Privie Counsell from Plantation to Plantatione accordinge to their desire, and to accomodate them in the best state their Howses and Roomes will afforde

It is agreed by the generall Affembly that so much tobacco shall be levied the next [season?] by the Burgesses of the plantations for which they serve, as shall suffice to discharge ye [sum?] of two hundred pounce in money wth ye interest, to be brought in by them to * * * in the best marchantable Tobacco by the last of *October* next, to the new dwelling [House?] of Capt *Wm Peirce*, and to paye the same to Sr: *George Yardley George Sandys* Threar. Capt. *William Peerce* and *Edward Blayny* marchante or their assignes [for payment?] of ye dept, wherein they shall stande bounde to M^r *John Harte* of *London* marchant [for?] two hundred pounce wth ye interest aboue named, who hath engaged himselfe [to?] M^r *John Powntis* wth soe much Money, The Tobacco to be levied by foure * * * the Colony, The Surplus of ye Tobacco (if there be any that shall surmounte ye two hundred pounce wth ye interest, to be received in gunpowder, [at?]) A iuste accompt, for ye use of ye Countrey, *Provided* that the Countrey

is

is to beare ye [freight?] of ye Tobacco into *Englande* and to save harmelefs those y^t are bounde for ye payment there And if M^r *John Pountis* shall nott Arive in *Englande*, or if ye money be not payd then this Act to be Voide.

March ye 5th 1623

Francis Wyatt Esq^r.

John Pott

Roger Smith

Raphe Hamer

William Tucker

Nathanell Bafs

Luke Boyse

John Utie

Richarde Stephens

Richarde Kingsmell

John Pollingtone

Nicholas Marten

Ifack Chaplen

Henry Watkins

Nathanell Cawfey

Thomas Harris

Thomas Morlatt

Gabrell Holland

Raughley Crowfhow

Richard Biggs

Jabez Whittakers

Roberte Addams

John Willcox

John Chew

[Petition from the Convention of 1625.]

To the Kings most excellent Ma^{tie}

THE humble petition of the Govern^r Counsell and Collony of *Virginia* affembled together.

Humble sheweinge,

That wheras in the former yeare, we directed a petition to yo^r Ma^{tie} humblie desireinge therein, that yo^r highnes woulde not give credit to the late declarations presented to yo^r Ma^{tie} concerninge the happie, but indeed miserable estate of the Collony, duringe the first twelve yeares government, neither to the malicious imputations w^{ch} have been layde on the latter, but to be pleased to beholde in little, the true estate of both, by our relations, w^{ch} we then sent unto yo^r highnes, by the handes of M^r *John Puntis*, contayninge nothinge but the truth wthout disaffection or partiallitye, wherby we doubted not but yo^r Ma^{tie} would understande the condition of both tymes, and farther befought yo^r Ma^{tie} that you would not suffer yo^r poore subjects to fall againe into the handes of S^r *Thomas Smyth* and his Confidants, but that yo^r woulde graciously protect us, from those groweing stormes ingendred by faction w^{ch} prefaged the ruyn of some, whose indeavo^{rs} have deserved a better rewarde, and in generall of the whole plantation.

Soe y^t is that we are driven to misdoubt, by reason of the death of M^r *John Puntis*, and that many things have fallen out, contrary to our humble desires, that the afore-sayde petition and relations were never presented to yo^r Royall handes, the rather because the same personnes so justly complained of, are joynd in yo^r Ma^{ties} Comission for governinge of the affaires of *Virginia*, wherewth beinge armed, we feare they intend to exercise the same Tiranny upon our persons, w^{ch} already by the pernicious Contract, they execute upon our fortunes; and haveinge just cause to feare, that upon the establisshinge of a President & Councell in *Englande*, for the government of *Virginia*, if those persons shalbe chosen of that number, the same power and meanes to execute their vindicative mallice, may be more fully and absolutely settled and confirmed upon them, and the estate of the Collony much more desperate, the effects wherof allready begun to appeare not only in the skant supplie of necessaries this yeare not sufficient to cover our nakednes, and the rates of those threefold more excessive then formerly: But alsoe in the extreame discouragement of the adventurer and planter, insomuch that great number of the planters had resolved to have goune for *Englande* in these ships exprefly to have petitioned yo^r Ma^{tie} for redresse and protection: But least the Clamo^{rs} of soe many should be troublesome and displeasinge to yo^r Ma^{tie} We, urged by o^r duties to yo^r Ma^{tie}, our zeale to the Collony and the discharge of our owne consciences, have wth an unanimous consent, made choyce of S^r *George Yeardley* Knight (the importance of the cause requireinge no lesse then one, whoe haveinge formerly comanded heere, in cheife and by imeadiate Comission from yo^r Ma^{tie} hath againe been nominated to succession in the Government) to prefer the sayde petition and relations to yo^r gracious survey, wherby yt will most cleerly appeare how unfitt they are to manage the affaires of this Collony in w^{ch} they have formerly soe much erred and proceeded soe contrary, even in the fundamentall points of Government, to yo^r highnes gracious charters and instructions; As alsoe our demonstrations against the late pernicious Contract, soe mainly opposeinge yo^r Ma^{ties} royall bounty and intentions, to the advancem^t of this yo^r Ma^{ties} Collony.

We humblie therefore beseech yo^r Ma^{tie} to afforde a gracious hearinge to the sayde S^r *George Yeardley* and to referr the examination of our cause to the right Hono^{ble} *William Lorde Pagett*, S^r *Richarde Weston* Knight Chauncellor of the Exchequer S^r *Humphry May* Kn^t Chauncello^r of the Dutchie & S^r *Robert Killigrew* Kn^t (they being appointed Comission^{rs} by yo^r Ma^{tie} for the affaires of *Virginia*) to make report therof to yo^r Ma^{tie}

And

And we as our dutie bindes us, fhall ever praye to God for yo^r Ma^{ties} longe & Prosperous raigne in this life and eternall in the life to come.

Francis Wyatt.

*Frans West.
Raphe Hamor.
Abrah Peirse.
W^m Peirce.
W^m Horwood.
Ellis Emerson.
Edw: Waters.
John Downeman.
Henry Woodard.
John Crewe.
Hugh Crowder*

*George Sandys.
W^m Claybourne.
W^m Tucker.
Francis Epes.
Rich: Kingesmyll.
Nath: Cauffey.
Fran. Chamberlaine.
Rich: Tayler.
Gilbert Peppet.
Clem^t Dilke.*

*Roger Smyth.
Sam Mathewes.
Nath: Baffet
Thomas Ofborne
Is: Chaplyn.
Rich: Biggs.
John Price.
Ed: Blayney.
F. Barkeley.
Luke Boys.*

[Papers of the Assembly of 1627 / 28.]

The humble Answer of the Governo^r & Counsell together wth the Burgeffes of the severall Plantations affembled in *Virginia* unto his Ma^{ty} Letter concerning our Tobaccoe and other Coñodities

March 26, 1628.

WHEREAS the making of any Contracte upon our Tobaccoe hath bin hitherto a thing soe much feared, and the very name of it rather a terror and discouragm^t to the whole Colony, then any way by us wished or assented unto, the bare rumo^r whereof hath wrought soe evill an effecte as generally to disharten all men, soe that therby the Marchant hath bene doubtfull of adventuring hither, and much enhaunfed the price of his Coñodities, and the Planters fearefull to settle their aboade heere or raise any workes of better consequence or future profit, as deeming it a place wherein there would bee noe certainty or stability of their affaires but continually subjecte to ruine and alteraçon if the sinifter informaçons of pryvate men in *England*, and their projects there tending solely to their owne pryvate Coñoditie and gaine may receive allowance and approbaçon, Especially seeing all Contracts heretofore propounded have bene made w^{thout} our Consents, and upon such unreasonable termes & condiçons as have directly tended to the imēdiate disfructiō and misery of the same, and this hath bin sufficiently shewed in our demonstraçons and declaraçons made against those Contracts in our former generall Affsemblies, But notwthstanding wee have continually bene infnared in these toyles, and for these six yeares have perpetually laboured in the confused pathes of those labyrinthes, being rather framed and built in the very imaginaçon of unconscionable and unjust men, then upon good and sound reason or wth any respecte to the benefitt and advancem^t of the Colony: Wherefore wee retorne our humblest thanks unto his most excellent Ma^{ty} for that it hath pleased him to dissolve those Contracts formerly sett on foote, and to have soe gratioously inclined in his Princely favo^r towards us as to graunt those thinges w^{ch} have bin for our establishm^t and supportaçon, And in particuler the prohibition of all *Spanishe* Tobacco, that thereby wee might have a certaine and sure dependance wth the Kingdome of *England* w^{ch} is soe firme a foundation for the perpetuall subsistence of this Colony as otherwise would require a greate expence of mony And this cheifely hath bin a meanes to uphold the same in such measure that it hath nowe noe lesse flourished since the alteraçon and revoking of the Patent, then when our affaires were managed by those in *England* w^{ch} to the eye of the world appeared to bee the maine supporters and pillars thereof, Neverthelesse since his Ma^{ty} hath now bin pleased to take the Coñodity of tobacco for his owne imēdiate use, and as his owne Marchandize, and to that ende hath directed his letter, unto the Governo^r and Councill, requiring that on his behalfe they should bargain for the same, wth the Burgeffes of all the severall Plantaçons, And further whereas the rayfing of other staple Coñodities, mençoned in his highnes Letter is to greate a worke for our poore abilities to undertake and bring to perfection, hee hath therefore required us that wee should take especiall care concerning the same, And according to the Instruções sent unto us to certifie of the probability and certainty thereof, and to send home such enfamples as are desired whereby wee are given to hope that those meanes will by his Royall hand bee supplied unto us, that having bene alwaies hitherto wanting or but slenderly furnished it hath bin impossible that those thinges should have effectually bin accomplished, And wee on our parts shall give good testimony of our willingnes and forwardnes therein, being perswaded that nothing can bee more happily for the Colony or to bee desired of us, then that those Coñodities should receive their full perfeccon that wee might have some other matter of subsistence then
Tobacco,

Tobacco, w^{ch} yet wee cannot wholly abandon, but make it as a stepp to attaine those things and in the interim, a meanes to fufteyne us, Wee have therefore in all humblenes of duety, after full debate and confideraçon of the premises sett downe our opinions concerning the same desiring that our relations may bee rather credited then theirs w^{ch} neyther informed by experience uppon the place (the most infallible guide) nor led by good judgm^t at soe greate a distance doe intend their private endes more then the hono^r and profitt of the King or the welfare of this Colony.

Firft for tobacco wee consent and agree that his Ma^{tie} shall have all our Tobacco at the rate of three shillings six pence the pound cleere the Tobacco to bee delyvered here unto his Ma^{ty} Facto^{rs} good and marchantable, and to bee approved soe to bee, by sworne men appoynted to that purpose, And for the paym^t thereof wee desire that the Factors w^{ch} shall receive the same, may bring letters of Creditt from men of unquestionable sufficiency to give bills of exchange uppon those men to make paym^t of them, the one halfe after tenn daies sight, and the other moytie at three monethes And those termes wee doe all in generall cheifely desire, because our residing is here, and it will bee much damage unto us to goe home to delyver our goods, But if his Ma^{tie} will have our Tobacco delyvered at the Port of *London* and wee to beare the adventure of the Sea and pay the freight, then wee will bee contented to delyver it all there at lower shillings the pound and wee to bee cleere of all Customes, and the paym^t to bee made as aforesaid But if his Ma^{tie} shall refuse to take all the Tobacco that shall bee made in this Colony good and marchantable, then wee humbly desire that his highnes would bee pleased in certaintie to take of yearly five hundred thousand weight at the aforesaid prices and Condiçons, if there shall bee soe much made in the Country, And for the rest if there should bee any overplus wee are alsoe content to deliver the same if his Ma^{tie} please, if not wee desire to export it againe out of the Kingdome of *England*, custome being paid, and to vent it eyther in the *Low Countries, Ireland, Turkey* or elsewhere.

And wee are content to contracte wth his Ma^{tie} for the aforesaid rates and uppon the aforesaid Conditions for and during the tyme and terme of seven yeares, But if hereafter it shall appeare that the Kingdome of *England* shall bee able to vent more tobacco then the quantities now to bee taken from this Plantation and the *Som^{er} Ilands*, other places fayling and the rest being suppressed & banished, our desire is that then wee may bee suffered to import the same, and our proporçon augmented.

And wee doe most humbly desire his Ma^{tie} that if hee will bee pleased the aforesaid condiçons may bee accepted; that all *Spanishe* tobacco bee utterly prohibited, because wee have just cause to feare, that under Colo^r of any *Spanishe* Tobacco licensed to bee brought in, greater quantities will bee imported, and the markett glutted, to our damage and hinderance. And for the assurance of making our Tobacco Marchantable, that it may bee satisfacçon given therein, wee have taken such effectuall courses in every respecte, that wee dare ingage ourselves that our tobacco shall bee very good and marchantable much exceeding the tobacco w^{ch} hath formerly gon from hence, And wee have alsoe ordered that there shall bee sworne men appoynted to bee Tryors to that purpose, after the curing of the same and before it bee laden aboard the Shippes, w^{ch} orders heretofore wee have not taken, because wee could not compell the planter to paie the Marchant principall Tobacco when as often tymes the Comodities hee received were rotten and unusefull, and allwaies sould at most excessive rates, w^{ch} wee could not moderate: And therefore concerning the Tobacco this yeare gon home wee are not ignorant, how that much of it is of noe good condition, of w^{ch} as wee desire to bee excused, soe wee hope there shall bee noe such occasion hereafter to complaine Wee have alsoe ordered that a Proclamaçon bee made through the Colony, that all plants shall bee sett fower foote and a halfe afunder at least, and that there should bee gathered but twelve leaves of from a plant, Whereas it hath bene the Custome heretofore, from that sort of long tobacco now in use to gather five and twenty or thirty leaves and wee are of opinion that if wee should suffer but six leaves to growe uppon a plant, that the nature of tobacco will not beare it, and it would bee nevertheles very dangerous to prime away the leaves soe high in regard that then it is subjecte to bee spoyled and torne wth gusts and stormes, at that

that tyme ufually happening, and the Italke to bee parched and withered by the heate of the funn, And wee certainly Knowe that although wee doe tend twelve leaves on every plant as aforefaid yett by reason of dyvers casualties as the wormes, the extraordinary raynes w^{ch} drowne many plants wee fhall not gather above eight or tenn generally and wee wonder why any fuch thing fhould bee injoynd unto us.

Concerning the ftripping out the Italke wee doe thinke it will bee much hurt unto it, and the handling in that Kind will deface and fpoyle it, at that feafon of the yeare, the windes being exceeding peirceing and drying, And for that whilst the Italke is in it, it is a good prefervative to the fame, Whereas it is certaine that if wee fhould bee tyed to ftripp out the Italke the Planters would thereuppon take advantage and ftripp it before it bee fully cured, and being fomewhat moyft it will bee fubjecte to rott and mould: And further it would bee a greate hinderance unto our other workes of consequence and profitt for the good and advancem^t of the Plantaçon, as cleering of new grounds, planting of gardens and orchards, the erecting of Coñodious buildinges, the extirpaçon of the Indians and the rayfing of all Itaple Coñodities &c

Touching the moderating of the quantity, wee defire that it may bee confidered that this Coñodity of tobacco is the only meanes for our prefent fupportaçon and fubfiftance to the w^{ch} nevertheles wee are not foe much wedded and adicte^d as wholly to negleçte all other courfes that fhall bee thought conducing to the rayfing of Itaple Coñodities as aforefaid, and the planting of greate ftore of corne, the breeding and encreafing of Cattell &c And in this poynt wee have this yeare leffened and ftinted our ufuall proporçon in gathering but halfe foe many leaves as heretofore was ordinary And wee being now in greate foñes indebted to the Marchant it cannott bee admitted foe ftrictly, for that our bargaines & Contracts for the fucceeding Cropp are already paffed and concluded on betwixt us, and wee muft eyther fhutt upp our Courtes and deny Juftice to thofe that fhall require it or elfe permitt thofe that are engaged in that Kinde to imploy themfelves and fervants for the performance of their condiçons, Not wthftanding for the fucceeding yeares, notice beeing given aforehand, the number of people in this Colony encreafed and the Markett of Tobacco gluttes, wee fhall bee willing to condifcend thereunto, and concerning the quantity of two hundred pound for a Mafter of a family and one hundred and a quarter for every fervant, The Colony now confifting of neere three thoufand perfons or fhortly being likely to attaine to that number, every weake Judgment w^{ch} hath beene converfant wth us, or hath feene the Accounts of our affaires, can judge that quantity not to bee fufficient for our mainteynance, And the laft yeare wee Knowe there was more fent hence, yett that proporçon, allowing that there are five hundred freemen and Mafters of families will amount unto 412,500£

Laftly to demonftrate that the Condiçons for the paym^t of our mony halfe in hand and the reft at three monethes are of foe abfolute neceffity unto all the Planters, wee faid that to accept of one third in hand and the reft at five and five monethes, the firft paym^t will little more then defray the freight and other chardges, and the expectaçon of the reft will not only put them to many ftreights for prefent mainteynance, but detaine them in *England* foe longe untill their meanes wafting wth their tymes, they bee utterly difabled to tranfport themfelves, much leffe fervants or coñodities for the augmentation & reliefe of the Colony and loofe one whole yeares tyme.

For Pitch and Tarr wee are of opinion, that his Ma^{tie} may bee affured that there are materialls here plentifully for the making thereof, and wee have by thefe fhiggs fent home enfamples of the ordinary Pine Trees growing in this Country, that there may bee noe doubt made in that poynt, but wee find that our weake abilities will not enable us to bee at foe greate charges as will neceffarily bee required before hand to the full accomplifhm^t of that worke, efpecially it being a Coñodity of foe fmall a value and the want of meanes to carry the wood to the kilnes where it is burned, there being neyther horfes nor Afinicoes proper for that purpofe and the danger that the workmen bee in uppon all incurfions of our Enemies the Indians, will make it not bee wthout fome difficulty and muft neceffarily bee provided for, if that bufines bee profequed.

For Potashes wee knowe that in former tymes there have beene some made heere and sent into *England* for a tryall, but the worth thereof wee doe not Knowe, and have noe man in the Country that Knoweth how to make them.

For pipestaves, barrell boords and Clapboords there hath formerly beene sent home of all fortes and wee have now both sent home enamples thereof and in these Shippes there are many hundred Caske gon into *England* from all partes of the Country made of our Tymber heere, whereby those of experience may bee able to judge thereof, this requireth greate labour, and the freight of soe meane a Comoditie will bee too deare to encourage any man to goe in hand wth it.

Concerning Iron wee have sent you home some of the Myne of w^{ch} by their report that were employed therein there is plenty and the tryalls that have been heere made have caused a good reputacon of the Iron that hath been sent into *England*, but this worke especially requireth an excesssive charge and expence of mony to bring it to perfecōn w^{ch} wee cannott disburse in expectacōn of the profitt thereof w^{ch} will not bee soe foudaine as our necessities doe require and wee thinke that it must necessarily bee provided that the men labouring about it bee furnished continewally wth plenty of cloathing good victualls and drinke, the w^{ch} in this Country are not sufficiently to bee had: The Materialls formerly sent over, are almost totally waisted and consumed and at the Massacre throwen into the River by the Indians, and little to bee found that is serviceable, soe that in that case there will neede a supply of all things both of workemen and other necessaries, It is certaine that the place chosen for the same at the *falling Creeke* was very Comodious and advantagious & the furnace in some good forwardnes at the Massacre.

For Mynes of Gould, Silver, Copper &c. wee conceive that there is greate hope of the ritchnes of the Mountaines, and there was a discovery made formerly nynteene yeares since in the w^{ch} some of us were, and about fower daies Journey above the falls of this Ryver as wee are informed certaine assurance of a silver Myne, but wee shall hereafter upon all occasions send home such samples as wee shall meete wth any where yet wanting the meanes of beasts of Carriage for the transport of Victualls and Munition, it will bee almost impossible.

For the planting of Vines wee conceive greate hopes that it will prove a Comoditie both beneficiall and profitable, but wee are none of us skillfull therein, The Vignerons that have beene sent over have spent their tyme heere to small purpose, and eyther purposely neglected it or concealed from us the skill w^{ch} hath generally disheartened all men from undertaking it, but wee have this yeare planted many and pruned others and by further experience thereof wee should thinke ourselves happy to bring this Comodity to perfecōn and would bee glad to defray the charges of skillfull men to bee sent over for that purpose.

For Bay salte wee conceive greate likelines of the certainty of that Comodity and fuerly the benefitt that will accrew to the Colony of the same will bee of greate consequence and wee shall bee willing to assist M^r *Capps* to make the experiment thereof w^{ch} being brought to perfecōn will drawe a certaine trade unto us, And wee hope that the fishing upon our Coasts will bee very neere as good as that of *Canada* whereof some tryall hath beene already made.

Subscribed by,

John Pott,
Samuell Mathewes.
William Tucker.

Francis West. Elq. Gov.
Roger Smyth.
Will Claybourne.
William Farrar.

wth all the rest of the Burgeffes of this Asssembly.¹

Vera Copia Ext. ☞
Rob: Barrington, Cler:

[From

¹ A contemporary copy of this paper is preserved in the Library of Congress having the names of all the signers. Contemporary copies, with all names of signers, of the two papers immediately following are also to be found there. The names are the same as those of the signers of the commission of the General Assembly to Sir *Francis Wyatt*, printed on p. 51. The names given above, in addition to that of the governor, are those of the members of the Council.

[From the *Bancroft Transcripts, New York Public Library, III, 401-404.*]

To the Kinges most excellent Ma^{ty}

The humble Petition of the Governo^r and Councill together wth y^e Burgeffes assembled in Virginia. Most humbly sheweth,

THAT whereas yo^r highnes hath ben gratioously pleased to extend yo^r princely care for the establishment of this Colony and to make y^e Comodity of tobaccoe yo^r owne marchandize for the better reputatioⁿ thereof, w^{ch} by yo^r Royall favo^r in the prohibitioⁿ and suppreffing of *Spannish* and *Englisch* tobaccoe is much advanced, wee have according to yo^r Ma^{ties} Comand assembled our selves, and in all humblenes of duty returned ou^r anfw^r unto yo^r highnes that we shalbe willing to accept for the same delivered heere three shillings six pence y^e pound and in *England* foure shillings, the one halfe to be payd att ten dayes fight, the other att 3 monthes, humbly desiring y^t yo^r Ma^{ty} will be pleased to take from this Colony in certaynty 500 thousand waight yeerly, and if wee shall make more, having this yeere in great part stinted our selves, (the better to follow yo^r Ma^{ty}'s direction for other staple Comodities) wee are alsoe contented to deliver the same, but if that shalbe to much for the Kingdome of *England*, we humbly desire that we may export itt into other parts, the Custome being payd, as we have in o^r generall declaration both concerning this & the other Instruccion from yo^r highnes touched more lardgly.

Wherefore wee most humbly implore yo^r Ma^{ty} gratioously to comiserat o^r poore estates, in yo^r favo^r to o^r just petitions, having continually for these six yeers groned under the oppreffioⁿ of unconscionable and cruell Merchants by the excesfive rates of their Comodities, caused for the most parte by unreasonable & unjust contracts made wholly wthout o^r consents, in w^{ch} wee have exceedingly ben turmoyled and o^r affayres perplexed, to the unspeakable prejudice of this Colony, that otherwise would have ben able if not hindred by our poverty, to have produced better effects & manifested that wee want the meanes & not the wills to rayse those staple Comodities proper for this plantation, w^{ch} now we hope by the beames of yo^r Ma^{ties} favor reflected upon us, will recover a new life and receive perfection by yo^r Royall hand, unto the w^{ch} itt hath ben reserved by the Divine Providence. And wee o^r wives and poore children as is o^r duty shall ever pray to God to give you in this world all increafe of happines and to crowne you in the world to come wth immortall Glorie.

Subscribed by the Governor, Councill and the whole Assembly of Burgeffes.

[From the *Bancroft Transcripts, New York Public Library, III, 405-408.*]

To the Right Hono^{ble} the Lords of his Ma^{ties} moste hono^{ble} Privy Councill.

The humble Petticion of y^e Governo^r Councill and the Burgeffes assembled by order from his Ma^{ties} in Virginia.

SHEWETH, That whereas itt hath pleased his most excellent Ma^{tie} by his Royall letters directed to yo^r Pet^{rs} to signifie his pleasure concerning the comoditie of tobaccoe to be to his owne immediate use, requiring that we should contract for the same upon such prices, condicions as are therein mencioned, and we accordingly in all humblenes of duty by o^r generall declarations have returned o^r anfw^r unto his highnes, most humbly complayning that formerly by the sinister suggestions and projects of unconscionable men, to make a contract on o^r goods wthout o^r consents, we have a long time suffered much damage, and the Colony greatly prejudiced by the generall feare and discouragm^t w^{ch} all men have received to settell their estates heere, or to endeavor the rayfing of any staple Comodities for the difanulling whereof we have often times by o^r letters and Pettic^o to yo^r hono^{rs} folicited this board, and yo^r Lo^{pps} have ben hono^{ble} pleased from time to time to relieve us and to dissolve those contracts w^{ch} otherwise would have tended to the overthrowe of this plantation, for w^{ch} we returne o^r humblest thanks unto yo^r Lo^{pps}.

Yo^r

Yo^r Pet^{rs} conceiving that his Ma^{tie} hath now ben pleased to take the affayres of this Plantation into his more neere regard and princely care wherby all factions silenced, and the projects of vaine men suppressed this languishing Colony may att length receive a new life and overcome those difficulties w^{ch} have hitherto hindred the growth of it, and being rather desirous that the Commoditie of our labours should redowne to his Ma^{ties} use whose servants wee are, then to any that should under hand contracte for the same, doe most humbly implore the continuance of yo^r Lo^{pps} favo^r towards us, and o^r cause, beseeching that o^r relations may eather obtayne creditt then the informations of such men as respect only their private ends & inordinate lucre and gaine. And we humbly desire yo^r Lo^{ps} to conceive that our Petitions & demands are just and necessary for the subsistence of this Colony being such as may stand wth his Ma^{ties} profit, And that yo^r Lo^{pps} wilbe pleased to continue yo^r Patronage that by yo^r mediations and Councells his Ma^{ties} Royall intentions may be confirmed towards us for the consumatioⁿ of this great work and the perfect establishment thereof

And wee as our duty bindeth us shall alwayes pray.

Subscribed by the Governor, Councill and the whole Assembly of Burgessees.

[From a manuscript in the Library of Congress.]

The gen^ll assembly their Comission to S^r *francis Wyatt* Kn^t, M^r *Edward Bennett*, & M^r *Michaell Marfhart*.

1. **F**IRST that you M^r *Bennett* & M^r *Marfhart* doe upon yo^r arivall in *England* repaire to S^r *francis Wyatt*, & that by his Councill & advice together with yo^rs, our affaires may be mannadged, of whose wifdomes & integrity wee doe not doubt, & wee in the name of the whole Colony doe intreate that you would be pleased to vndergoe the trouble, & as in yo^r discretions you shall thinke moste conducing to the good of the Plantations, either to refuse the propositions of this Contract, or to establish a sure & certaine meanes of our subsistence, that wee may noe longer bee alwaies subiect to ruine vpon the vncertainty of the noyse of any contract.

2^{ly} That you enforme yo^r selues how the busynes of the Contract standeth at that present & acquaint yo^r selues wth the Agente of the *Bermudas* & S^r *Christophers*, to the [end?] you may (if you can agree) proceed iontly together both for the better effecting of yo^r busines, & p^{ceedings} wth lesse chardge.

3^{ly} That what letters shalbe comitted to yo^r trust, you use all dilligence to deliue^r them safe & as soone after yo^r arivall as you cann, & especially the Letters^r directed to yo^r [Lords?] to the end you may haue their assistance * * * the petition to his Ma^{tie} shall [come?] to be deliue^d, chiefly you must haue care * * * * * Lord Treasurer the Chancellor of the Exchequer & his Ma^{ties} Atturney gen^ll, to informe them touching our p^{ceedings}.

4^{ly} If his Ma^{tie} shall refuse our p^{positions} that then you advise what course may be taken to giue his Hignes content, & agree to settle the Custome & imposte at 6^d a pound.

5^{ly} Whereas in our declaration wee haue intreated his Ma^{ty} that wee may haue allowed for our Tobacco 3^s 6^d the pownd & deliue^r it here, or 4^s if wee deliue^r it in *England*, our desire is if you finde that it will not be assented vnto, then to agree wth his Ma^{tie} for 3^s the pownd if he take it here, & 3^s 6^d if wee vpon our chardge of freight & aduenture doe deliue^r it in *England*.

6^{ly} Wee desire you to adu^{tize} vs of all occurrences by the best & speediest meanes you haue, or can p^{cure}, from time to tyme, & if any difficulties shall arise or the necessity of our affaies [affairs] require it, wee doe intreate you to send us a Barque exp^{ressly} about 50 tounes, & to lade her hither wth meale, 12 feild carriages for demi Culverin, 4 for faker, & 4 for minion, 20 barrels of powder, 2 or 3 tounes of great shott, wth ladles, spunges, &

¹ These letters are printed in the appendix to this volume.

& all things necessary, 2 C waight of match, 20 men whereof as many Carpenters, gunn smyths, & other smyths as you cann wth necessary provifion of victualls & apparrell for a yeare.

7^{ly} That by yo^r best meanes you cann, you make it knowne to the Lords that by the importation of all our Tobacco to *London*, & the p^rhibition of *Spanifhe*, That Citty may in a fhort time be the ftaple of Tobacco, & that other Countries may both import Comodities & mony for the fame, as form^{ly} they have done into *Spayne* where the whole trade of that Comodity hath beene, & foe be a meanes greatly to increafe his Ma^{ties} Cufomes.

And whatfou^r chardges you fhall be at in the p^rfequution of this bufines, wee p^rmise to repay, & if by yo^r dilligence you fhall effect any thing for the good of this Country wee fhall for that alfoe giue you fatisfaction to yo^r contents.

Dated the 29th March 1628.

francis Weft, John Pott, Roger Smyth, Samuell Mathewes, William Claybourne, William Tucker, William ffarar. John Weft, Nathaniell Baffe, Thomas Ofborne, Edward Bennett, John Uty, Thomas Pawlett, ffrancis Epes, Edward Crinden, Edward Waters, Michell Marfhart, John Chewe, Thomas Wefton, Thomas Willoby, Robert Sweete, Humfrey Rafhell, William Harwood, Thomas Burgis, William Englifhe, Tho: Harwood, William Perry, Thomas ffareley, John Jackfon, Richard Taylor, Maximillion Stone, John Smyth, John Harris, John Burland, Walter Price, Percivall Wood, Thomas Jorden, William Popeleton.

THE GENERAL ASSEMBLY

Holden the 16th day of *October*, 1629.

THE oathes of supremacy and alleidgeance were administered to the governor and councell and afterwards to all the burgeffes.

After debate of many matters, it was thought a bufiness of great benefitt and good confequence to fend and maintaine a company of men to plant corne at *Kiskyacke*, the charges of building to be borne equally by all that shoud bee the adventurers, and to bee there feated by the 15th of *November* next. Whereuppon voluntarily the Governor offered to find 3 men.

| | |
|----------------------------------|---|
| Capt <i>Mathewes</i> | 4 |
| M ^r <i>ffarrar</i> | 1 |
| M ^r <i>Thorowgood</i> | 4 |
| M ^r <i>English</i> | 2 |
| M ^r <i>flint</i> | 4 |
| M ^r <i>Rowlston</i> | 2 |
| Capt. <i>Basse</i> | 1 |
| M ^r <i>Harwood</i> | 1 |
| M ^r <i>Bennett</i> | 1 |
| <i>Goodman Tree</i> | 1 |
| <i>Tho. Seely</i> | 1 |
| Capt. <i>Peirce</i> | 2 |

It was ordered they shoud have shares of land to them and their heirs.

It is ordered that every commander of the severall plantations appointed by commissiion from the governor shall have power and authoritie to levy a partie of men out of the inhabitants of that place foe many as may well be spared without too much weakening of the plantations and to imploy those men against the Indians, when they shall assault us neere unto our habitations, or when they in their discretiion shall deeme it convenient to cleare the woods and the parts neere adioyning when the Indians shall bee a hunting or when they have any certaine knowledge of the Indian's aboad in those places. And if there shall be cause that the commander in person can not attend these services, then in such cafes, and in his absence hee is to appoint his deputie.

It was the opinion of the whole bodie of the assembly that we shoud go three severall marches upon the Indians, at three severall times of the yeare, *viz.* first in *November*, secondly in *March*, thirdly in *July*. To effect this the collony and inhabitants are to bee divided into fower divisiions. The plantations of the upper parts as farr downewards as *Weanoacke* Marsh, and *flowerdieu hundred* creek on both sides the river to cleare those parts and territoryes, and to doe all manner of spoile and offence to the Indians that may possibly bee effected. The second divisiion to extend from *flowerdieu hundred* creeke and *Weanoacke* Marsh, as farr downewards as the creeke belowe *Hogg* Island, and to include the whole corporation of *James Cittie* and *Martin's Hundred*, and the plantations of *Mulbury* Island under the command of capt. *Smyth*. The third divisiion to be the plantation of *Warofquoyacke*, and those inhabitants to cleare the grounds and lands betweene *Hogg* Island creeke and *Nansamunge* river.

There remaine for a fourth divisiion *Elizabeth Cittie*, *Warwicke* River, *Nuttmeegg* Quarter, *Accawmacke*, the plantation at *Kiskyacke* and the places adioyning; to goe
twife

twife upon the Indians in *Pamunky* river, *viz.* once before the froft of *Chriftmas*, & the other in *June*, *July* or *Auguft*, as alfoe upon thofe lands, between *Nanfamunge* river and the river of *Chefepeyacke*. And it is concluded that the plantations of *Accawmacke* fhall affift them againft the *Pamunky* Indians in the fummer time with every fift man out of the inhabitants.

It was putt to the queftion whether all new comers fhall bee refrained from planting tobacco the firft yeare and they to bee exempted from all taxes, and marches for that yeare. The maior part would have no refraint made to new comers.

It was put to the queftion whether for this yeare there fhould be an ordinance made and eftablifhed for the ftinting of the planting of tobacco. To this the opinion of the moft voices was, that noe perfons workeing the ground, which are all to be thithable, fhould plant above 3000 plants upon an head.

An exception is made where the familie confifteth of children and woemen which doe not worke in the ground, and they to plant not above 1000 plants per pol. In cafe any family fhall be aggrieved by this order confifting of fome number of woemen and children, It is thought fitt that in fpeciall cafes the Governor and Councill to order them a further proportion.

Thefe charges following were allowed by the General Affembly, *viz.*

| | |
|--|------|
| <i>Imprimis.</i> To M ^r <i>Marfhartt</i> for 16 carriadges for ordinance, there is allowed for his account of £. 208 04s 02d. fowre thowland five hundred weight of tobacco, foe that the remainder that was not paid unto him laft yeare fhall be fully paid and delivered unto him this yeare, or his affignes, | 4500 |
| <i>Item.</i> Six barrells of powder, bought of Capt. <i>Crampton</i> , and yet unfpent, | 0900 |
| <i>Item.</i> One hhd. of wyne, fpent in the march, | 0255 |
| <i>Item.</i> One ancor loft in the march out of Lieut. <i>Thompfon</i> his boate ffor fhott which Sr. <i>George Yeardley</i> bought of M ^r <i>Mayhow</i> and provifion to fett out his fhip, | 0050 |
| ffor 300 of fifh bought of M ^r <i>Menefic</i> , | 0090 |
| ffor one barrell of peafe fpent in the fhipp, | 0050 |
| To M ^r <i>Claybourne</i> for fhott fpent in the marches in Sr. <i>George</i> his time, and this yeare 1629 | 0500 |
| ffor one hundred of fhott more, bought of M ^r <i>Barrington</i> , & 1-2 of bifcuite for <i>Chickahominy</i> , | 0047 |
| For Ct. <i>Poole</i> 's entertainement this yeare, | 1200 |

[The lines following the above, are fo obliterated as not to be legible till we come to the words "his legg which hee received in the country's fervice;" from which we may infer that the above item is on account of a wound received by Capt. *Poole*.]

It is alfo ordered that the three Indians here refiding fhall be maintained by the general charge of the whole colony.

To defray all the charges above faid the whole Affembly concluded that there fhould be five pounds of tobacco per pol levied through the colony.

It is further concluded and ordered that every mafter of a family, and every freeman that is to pay five pounds of tobacco per pol as aforefaid for the defraying of publique charges, fhall bring the fame unto the Houfes of the Burgeffes of the plantations within two dayes after notice thereof given unto them. And if any fhall faile to bring in the fame, it is thought fitt that by virtue of this order the faid Burgeffes fhall have power to levy the fame by diftreffe, upon the goods of the delinquents, and to make fale of the faid goods, and to detaine fuch tobacco which fhall be due by this order, and for their fees in making this diftreffe, reftoring to the owner of the faid goods the refidue and remainder. And if the Burgeffes fhall make neglechte herein they fhall be fined by the Governor and Councill.

The Burgeffes doe undertake to provide caske to putt upp the fame and if any damadge fhall befall unto the tobacco, it fhall not light upon the Burgeffes, unleffe they fhall be faulty therein.

All the Burgeffes are with all convenient fpeed to fend to the Governor a lift of the tithable perfons within their plantations, that thereby the Governor may appoint thofe that are the creditors for this tobacco to receive it and that he take order to have an account kept of the fame.

At this time the matter of ffortification was taken into confideration and there was longe debate had concerning the place where the fforte fhould be erected. Efpecially *Point Comfort* was fpoken of and was thought the moft convenient place, but the great and many difficultyes therein, and the want of meanes and materials for effecting thereof doe almoft make it impoffible for our weake abilityes to bring to perfection: therefore [the lines of the original not legible.] both the affiftance of their perfons and eftates to accomplifh fo good a worke as to raife fortifications which will be both a fafetie and reputation unto this colony.

It is ordered that there bee an efpeciall care taken by all commanders and others that the people doe repaire to their churches on the Saboth day, and to fee that the penalty of one pound of tobacco for every time of abfence and 50 pounds for every months abfence fett downe in the aēt of the General Affembly 1623, be levyed and the delinquents to pay the fame, as alfoe to fee that the Saboth day be not ordinarily profaned by workeing in any employments or by iourneing from place to place.

It is thought fitt that all thofe that worke in the ground of what qualitie or condition foever, fhall pay tithes to the minifters.

[Petition of the House of Burgeffes
to the Privy Council Drawn up
at the 1631/32 Seffion.]

Right Hona^{bl}°

MAY it please yo^r Lorpp^s wee the Burgiffes of this Plantation haue wth great
* * * received the happie newes of his Ma^{tie}'s gracious Intentions toward
this Colony grauntinge his royall Co^miffion to yo^r hono^{rs} who have beene
pleased to undertake the fame and patronage thereof, after soe long and
languishing a consumption Wee have therefore deemed it our duties to p^rsent vnto yo^r
hono^{rs} the voice of our Act^s and proceedings in this last Affembly, And wee beseech yo^r
Lorpp^s that yo^u in yo^r graue Judgm^{ts} will be pleased to interprett our intentions in all
those Act^s, to be wholly for the welfare of the Colony, and such as wee, by large ex-
perience in the place are assured to be most p^rper for the advancement thereof; And wee
become humble suite^{rs}, that now when these affayres shall agayne be established all for-
mer graunts liberties and priuiledges may be confirmed unto us accordinge to his Mat^{es}
gracious l^{tes} Patents since the diffolution of the late Company, And in p^rticular wee
reco^mend unto yo^r hono^{rs} Consideration, that wee may haue all free trade, to those p^rtes
and marquetts where such Co^modities as wee by our induftry shall rayfe will be * * *
and that the lymitts of our Plantation, both to the Northward & the Southward may be
p^rserued agaynst all * * * undertakers * * * * *
That we may haue confirmation of all our lands, and diuidents, and that they which haue
arived since the 24th of *June* 1625 to w^{ch} tyme all co^mers were to haue fifty acres of land,
may likewise haue apportion graunted vnto them w^{ch} wee desire may be 25 acres, And
for encouragem^t to after co^mers wee wish also that 12 acres may be graunted vnto all
such as shall come duringe the terme of 7 years next ensuinge, Wee doe also give our
humble advise that a Current Coyne debased to 25 *per centm*, may be sent vnto vs then
w^{ch} nothinge will be more usefull, The ffort at *Poynt Comfort* hath wth incredible labour
to the vntaker, and exceffive chardge to the whole Colony beene brought to good per-
fection, And because we finde the continuall maynteynance thereof, will arise to an in-
supportable burden, yf it be wholly * * * at the planters hands, who haue en-
deavored themselves to this work above their abilities Wee humbly pray that the lands
adioyning to *poynt Comfort* iland and now leas^d to severall men may wholly be convert-
ed to that purpose and receaue yo^r Lo^{pp}'s Confirmation, w^{ch} will in part defray the chardge,
Wee the poore planters, of this Colony haue a long tyme groaned vnder the cruell deal-
ings vnconscionable marchaunts, who have by needlesse and vnprofitable Co^modities
* * * ingaged the inhabitants in debts of Tobacco, to the value almost of their
ensuinge crophe whereby wee haue necessarilly beene tyed to the plantinge of that bad
comoditie, from w^{ch} otherwise wee had willinglie declyned Wherefore in contemplation
of our miserie and findinge noe better way to restrayne the imoderate plantinge of it;
wee haue made that Act not to lett it passe from vs vnder the price of 6^d *per* lb. w^{ch} will
either enable us to pay our engagem^{ts}, and soe fet free our hands for other workes of bet-
ter consequence, or yf they will deale wth vs at that price, we shall in good part be Im-
ployed, neither doe wee soe much feare, that all marchaunts will be beaten of, as wee
may iustlie dispayre, if it should goe at those contemptable rates, w^{ch} they haue now
brought it vnto, Howeuer we had rather want, then labour as slaves to other mens purfes;
amonge

amonge whome we haue good caufe to complayne of Captayne *Tucker*, who hath farr exceeded all other marchaunts in the prizes of their goods, wee doe alfo become humble fuitors that if any doe adventure hither, they will in the firft fupply us with armes and munition, efpecially wee doe efteeme quilted cotton Coates moft benefitfull, wee are refolued to plant ftore of Corne, wherefore wee defire, that none that are not refident heere may receave Comiffion to trade in our Bay, whereby the benefitt that might accrew to the planter or difcouerer will be frufrated by thofe that bear no fhare in any publique chardge, yo^r Lor^{ps} may be pleafed to conceive how great our expenfe is for publique occafions, wherefore wee moft humbly referr to yo^r Lor^{ps} confideration, that great charge and burthen, w^{ch} lyet vpon the gouerno^r more efpecially, there beinge left no fuch meanes to fupport him, as pcedinge gouerno^{rs} formerlie haue had hee haueinge now about fiue yeares beene refident here, And by the pouertie of the tymes left wholly to vndergoe thofe expences w^{ch} the Concoure of much people and other occafions will drawe vpon him, Neither is the condicon of the Counfell, in their * * * to be weighed, and in regard the low declencion of Tobacco will make our * * * to Capt *Mathewes* of leffe value, then his expenfes, in buildinge the ffort at *Comfort*, he haueinge almoft fpent his fortunes and eftate therevpon, and this * * * in Tobacco the cheifft ftay of his fubfiftance, wee doe alfo become humble * * * the Cufomes therevpon may be graunted, vnto him, And wee befeech yr * * * to p^{re}sent ou^r humble peticone to his Sacred Ma^{tie} both in this behalfe and in behalfe of the Gouerno^r and Counfell and wee ou^r wyves and poore children as ou^r dutie is fhall euer pray for his Ma^{ties} long life and encrease of hono^r * * * Yo^r Lor^{ps} wee refte and remayne

Virginia 6th of *March* 1631. Y^r Lor^{ps} very humble fervants

Francis Epes Wm Perry Thomas Osborne, Nicholas Martian, Thomas fflynt, Thomas Willoughbie, Edward Scarborough, Walter Afton, Thomas Harrewood, Richard Richards, John Southerne, Thomas ffarley, Thomas Jorden, John Howe, Thomas Seely, Thomas Crampe, Percivall Wood, Thomas Ramshawe, John fludd, George Downes.

[Papers of the 1637/38 Assembly.]

[King *Charles* I's Propositions to the Assembly of *Virginia*, February 1637/8.]

THE Kinges Ma^{ty} Comands are in these followeing Propositions. *Viz*

1 That y^u consider and resolve what quantityes of good and merchantable tobacco y^u will undertake to send yearely to the porte of *London* haveinge relaçon to more staple and honorable comodityes wherein his Ma^{ty} has resolved to give y^u all encouragem^t.

2. Next if any stock or some of mony should bee provided to take of at reasonable dayes of payment the said quantity soe resolved on, yo^u will consider and resolve what price and value peremptorily to sett thereupon.

3 Next that y^u consider of some conven^t place to bringe yo^r tobaccoe to, as to one or more appoynted Warehouses.

4 Next his Ma^{ty} beinge informed of manie oppreSSIONS brought upon his Subjects by many Merchants & Maisters of Shippes that in the tymes of their necessityes take advantage to sell cloathes and provions for their supplies at greate and excessive rates and covenanted to receive payment in tobacco accordinge to the poore and lowe value thereof & at that tyme w^{ch} they exacte from them in the same proporçons his Ma^{ty} therefore out of his princely care and consideraçon of his subjects have thought fitt that the Planters set downe howe farre they have ingaged themselves and upon what debts and to whome and the tyme when the debts were made, and what thereof is discharged and payed, that upon retourne thereof to the Lord Treafurer some order may bee taken for such satisfacçon as shall bee found just and reasonable to the Creditors.

5. Lastly the Kinges will and pleasure is that those farthinges authorized to passe betweene man and man for rechange wthin his Ma^{ty} realme of *England* shall bee made currant to passe in payment betweene man and man in their comēce & trade wthin the Colony. And therefore that y^u take into consideraçon what quantityes thereof may bee usefull and fitt to bee vented here that notice may bee given thereof to the right hon^{ble} *Henry* Lord *Matravers* whoe is one of his Ma^{ty} Patentees for the makeinge and ventinge them in *England* and who (his Ma^{ty} will and pleasure is) shall furnish this Colony wth such quantityes as shall bee required by way of truck or exchange for comodityes vendible in *England*.

[The Burgeses' Answer to the King's Propositions.]

To the right Worspll the Governor and Counsell of State.

The humble aunfwere of the Burgeses of this p^{nt}e grand Assembly to His Ma^{ty} Comaunds.

WHEREAS o^r most graçous Sovereigne the Kings Ma^{ty} out of his Princely care of us his people, and this his Colony of *Virginia*, hath beene pleased to take into his royall consideraçon the weake and meane estates of us his poore Subjects here inhabitinge occaçoned partely through the vast quantity of tobaccoe by us here made as allsoe by the boundles desire of gayne in those w^{ch} yearely supply us, and to that purpose hath pleased to signifie his sacred comāunds unto us both for betteringe the quality and lesseninge the quantity of our tobaccoe, And that wee should signifie unto His Ma^{ty} what quantityes wee would yearely send home, and to sett an exact price thereupon.

1 *First* in obedyence of w^{ch} comāunds wee the Burgeses of this Grand Assembly doe upon the Bended knees of our harts proftrate ourselves at the feete of his most sacred

facred Ma^{ty} humbly intreatinge his highnes to bee pleased to admitt us the free benefitt and use of our comodity and to add unto us the continuance of his Princely affistance in conforminge all his Ma^{ty} people upon Plantacons plantinge tobaccoe, to confyne themselves to the iust proporcon of one thousand five hundred plants per poll yearly prohibitinge all ratoones and fecond cropps. Onely for this presente yeare in regard wee stand doubtfull of the conformity of other plantacons w^{ch} will much prejudice the advance of the price of our comodity together wth respecte unto our ingagem^{ts} and taxes. Wee humbly intreate yt may bee lawfull for us to have the full use and benefitt of plantinge Tobaccoe not neglectinge the plantinge store of corne, the propagating gardens and orchards, and the breedinge of cattle Hogges and powltry. And that noe tobaccoe may passe But such as shall be found good and merchantable Wee desire that twoe men or more may bee appoynted and fworne in every parish to veiwe the tobaccoe of each cropp and what they shall find good to bee sealed wth the seale appoynted for measuringe Barrells, and all other tobaccoe to bee Burnte.

2 *Secondly* wth the like submission unto his Sacred Ma^{ty} wee anfwere that wee conceive yt would much tend to the advance of the comodity of tobaccoe that a certen rate of 12^d 5^{lb} for some fewe yeares may bee set upon all the tobaccoes of this Colony and all other His Ma^{ty} plantacons and that a penalty may bee imposed upon the planters not to parte wth yt at anie under rate, and that noe tobaccoe of this Colony Bee putt a Board anie Shipp or anie parcell of anie planters cropp Bee payed or received Before the first day of *February* yearly Before w^{ch} tyme wee conceive that all tobaccoes will have endured the hazard of spoylinge whereby the glut and vast quantities of our tobaccoes will bee much lessened, and His Ma^{ty} duties and customes much advaunced, when as noe pretence can bee made for the garblinge of tobaccoe in *England*. But such as shall bee damnified by the insufficiency of Shippinge. This course beinge begun may continue twoe or three yeares, by w^{ch} tyme respectinge the goodnes of the comodity wee may againe joyntely conclude to lessen the quantity and raise the price, And if yt shall bee deemed His Ma^{ty} losse in fallinge from soe greate to a farre lesser quantity of tobaccoe, our desire is His Ma^{ty} profits may bee raised wth ours. This wee conceive to bee the onely way to advaunce our comodity wherein at present consists our cheefest releefe and subsistance. And to enable us for the indeavouringe and undertakeinge of other comodities of more worthie consequence, and wthout this course yt is impossible for us to abate or lessen ought of our indeavour from Tobaccoe more then the garblinge of yt heere w^{ch} will much lessen the quantity in regard of the goodnes.

3 *Thirdly* wth the like obedyence unto our dread Sovereigne, Wee anfwere that the erectinge and buildinge of Stores and the Bringeinge of every man's tobaccoe unto them would bee very chargeable and burthenfome to the whole Colony w^{ch} at present wee are very unable to undergoe, besides much hazard & the damadge and losse in spoylinge greate parte of our Tobaccoes. The casuality of wynd and weather beinge considered in respect of the remoatenes of our Plantacons one from another. And wee haveinge noe other meanes to export our tobaccoes but by Boatinge wee humbly intreate that Convenient shippinge may bee licensed to come into every County where they will find every man's howle a store convenient enough for their ladinge Wee Beinge all feated by the Riverside.

4. *Fowerthly*, Whereas His Ma^{ty} hath taken into his princely care and confideracion the unconscyonable dealinges of Merchants and Seamen exactinge the prizes of their goods accordinge to the necessity of the Colony whereby wee are brought into very greate ingagem^{ts} unto them. In all humblenes and thankfulnes unto His Sacred Ma^{ty} Wee anfwere that our resolucons and indeavours are fully Bent to free our selves from that thraldom and to give the Merchants such good and tymely satisfaccon as that they shall noe way bee discouraged from adventuringe hither as formerly (although the price of our tobaccoe be raised w^{ch} in respect of lesseninge the quantity and betteringe the Condiçon the Merchants will the sooner yeald unto) For the life of our beinge and subsistance principally consists in our yearly supplies, and our freedoms in the trade thereof

thereof, w^{ch} gives greate comforte unto us His Ma^{ty} poore Subjects, But many and unspokeable are the miseries of the Contract.

5. *Lastly*, whereas His Ma^{ty} hath taken into his Royall confideraçon our want of a Currant coyne for the encouragem^t of tradefmen to followe theire severall professions and hath bene gracoufely pleased to signifie unto us that the farthinge tokens that passe for currant rechaunge wthin his highnes kingdome of *England* shall bee made allsoe currant heere. Wee wth the like obedience unto his Sacred Ma^{ty} doe anfwere that in regard the said farthinges are very much under the value of them in copper and therefore subiecte to bee altered, that all tradefmen and others will bee alltogether dishartened to take them in satisfaccon for their labours or in exchange for Comodities. Wee therefore humbly desire his highnes that the value of five thousand pound *sterlinge* may bee yearely ymported unto us untill wee bee sufficyently furnished therewth, whereby Artificers may be encouraged to use their trades Workemen ymployed in more honorable ymptom^{ts} then plantinge tobacoe, and thereby the quantity thereof much lessened by our severall Indeavours in buildinge shippinge Erectinge of townes fishinge gardeninge and raiseinge of hogges and other Cattle Both for shippinge and trade w^{ch} are the mayne sinewes of all flowrishinge comon Weales. The w^{ch} may not well bee accomplished wthout a Coyne. And that y^t may bee the more porteable, Wee in all humility implore his sacred Ma^{ty} to furnish us wth such currant coyne of silver, under the values, for w^{ch} allowance of 10^d ꝑ Centum for the benefitt and Incouragem^t of such Merchants or others whome wee shall approve of that shall ingage themselves by way of Banke or otherwise by exchange to satisfie all the exchange and engagem^{ts} fully accordinge to condiçons.

All w^{ch} that wee may the better obteyne, Wee most humbly intreate the right Wor^{pl}l the Governor & Counsell to assiste us in and Wee shall ever (as in duty bound) Pray &c

(Indorfed)

The Burgeffes their Firft Anfwere to the Kinges Proposiçons.

[The Reasons of the Burgeffes' Answer—*Virginia*.]

To the right Wor^{ps} the Governor and Counsell of State

THE reasons to bee annexed to the anfwere of the Burgeffes w^{ch} they have already presented.

1. *First* wee humbly intreate your Wor^{ps} to conceave that wee cannot resolve what quantities of o^r tobacoe will bee yearely made in the Collony in respect of the uncerten number of people yearely comeinge and the mortallity of people here farre greater some yeares then others. Soe that wee are not at anie tyme certain of the number of our Inhabitants. And whereas wee desire by our anfwere the free benefitt & use of our comodity the reason induceinge thus there unto is, that thereby people may bee encouraged to come out of *England* to plant and inhabite here, whereby the Collony will bee the better strengthened and secured from anie trecherous practises of the Natives contrary to w^{ch} the restraynte of our liberty of plantinge will not onely disharten all men from comeinge hither except such as are inforced through wante & poverty But allsoe will cause many of the Inhabitants here to leave this Colony, and purchase the free use of their labour in other plantaçons soe that the Colony would bee thereby much weakned and in shorte tyme, in regard of our yearely mortallity wee should bee disabled to defend ourselves, Cattle and Plantaçons from the tyranny of the Indyans.

Further the limitaçon of a certain number of plants ꝑ poll hath already caused diverse of the Inhabitants to forsake their Plantaçons and to neglecte the fencing of grounds, the plantinge of corne, orchards and gardens, the makeinge inclosures, and pasture for cattle and other uses, Beinge necessitated for their presente releefe and subsistance to remove and plant upon such grounds as would yeald most Tobacoe upon

a Plante allthough they have suffered all other inconveniences thereby and such as are not able to remove from their old and over worn grounds are kept by the limitation of a certain number of plants \bar{p} poll in perpetually poverty and ingagement, in regard their labour upon few many plants will not produce half so much tobaccoe as others. And further in that we have desired that there might be conformity in all his Ma^{ty} plantations for the quantity of planting, Wee conceive that the vast and excessive quantities of tobaccoe w^{ch} are yearly made in the *Cariba* Islands being generally twice as much \bar{p} poll at the least as we wth the uttermost of our endeavors can make, hath beene the onely meanes to beate downe the price of all tobaccoes, soe that wthout a conformity of planting in all his Ma^{ty} plantations there is very little hopes eyther by the lesseninge or bettering our quantity in this Colony to advance the price.

2. *Secondly*, Wee humbly intreate Your Worships to consider howe prejudiciall y^t will be to the Settlem^t of this Colony for us to propound a some or stock of monie to be yearly provided to take of our tobaccoes at a certain price, for wee conceive that the free use and benefitt of the trade of our comodity will much encourage persons of quality to adventure themselves and their Estates hither when they shall have free correspondence wth their friends and other adventurers in *England* to be furnished wth yearly supplies, and to make the best profit in the sale of their tobaccoes, and animate the most industrious men in this Colony whoe have partly freed themselves from the greedy exactions of the Merchants here by exporting of their tobaccoes yearly for *England* to be sold, for their best advantage and returned in necessary commodities and fynding themselves in soe good course have hitherto resolved to settle their Estates here for posterity, and are thereby enabled in their resolutions to erect good buildings, planting & propagating gardens and orchards, fenceing and Inclosures for Cattle w^{ch} are the onely motives causeing every man to accompte that place to be his settled habitacion where hee hath soe voluntarily spent his endeavors. W^{ch} on the contrary if wee shall be denied the free comerce of our owne comodity, most men of ability and industry will converte their whole Estates into tobaccoe & soe resolve to leave and forsake the Colony and take the oportunity of a present price for feare of future alteration therein, whose examples y^t is to be doubted, that all men that can will followe, for proove where of wee can instance divers in this Colony whoe fearinge the abridgm^t of their former libertyes begin to repent their severall disbursements some in good buildinge and others in purchasing plantations and buyinge of Cattle. Wherefore yt is much to be feared that unles His Ma^{ty} will be pleased to continue us in our free endeavors the future hopes of this Colony will be utterly subverted.

3. *Thirdly* wee humbly intreate yo^r worships to consider howe inconvenient and prejudiciall yt will be to build warehowes and to bringe our Tobaccoe to them, the reasons wee have in parte sett downe in our answers already presented. And further the greatest parte of the Inhabitants are in wante of Boates and not able to procure them soe that they must be forced to imparte wth a greate parte of their croppes for the transportation of the rest unto a store and when all the Tobaccoes of a County shall be brought into one store the casualty of fyreing the same w^{ch} may be accidentally done eyther by the Indyans or other wise besides other danger of spoyleing will cause diverse persons to be in continuall feare of utter undoeing haveing no other meanes for the releefe & cloathing of themselves, their wives, children and families, then their present cropp. All w^{ch} hazard will be prevented by every man's keeping his owne comodity and delivering yt from his house.

4. Wee humbly entreate Your Worships to consider howe unpossibile yt is for us to give a generall accompte of the present engagem^{ts} of every particular man and the tyme when the debts were made and what thereof is unpaid, when wee conceive that the third parte of the Countreys debts at the least were made by persons deceased and nowe remayne to be payed by their Executors or Administrators whoe can give no other
informacion

informaçon of them then that they are soe much indebted but for what confideration the said debts were made they are altogether ignorant. For further satisfacçon concerning the fowerth proposition, wee humbly referre y^u to our anfwere allready presented.

5. *Lastly* wee humbly intreate Your worships to conceave that wee are noe wayes doubtfull of the Lord *Matravers* or anie other whome His Ma^{ty} shall bee pleased to appoynte for supplyeinge us wth a coyne, Onely wee desire that our coyne may bee somewhat neere the value, leaft upon anie future alteraçon yt should bee a meanes to undoe the whole Colony. And wee conceave that the some of five thousand pounds *Sterlinge* yearely (as is expreffed in our former anfwere) will bee sufficyent for the payment of artificers and workmen.

[The Governor's Reply to the Burgeffes' Anfwer.]

The Reply of the Governor and Counfell to the Anfwere of the Burgeffes.

1. **U**PON perufall of your anfwere wee find you have rather studied to ferve your owne ends then His Ma^{tes} comaunds, and that y^u have rendred your selves uncapeable of treaty by denyeinge what your owne free confents had formerly signed for instance whereof the last yeares acte concerninge the plantinge of tobaccoe as sufficyent by w^{ch} yt appeareth that instead of a peremptory anfwere w^{ch} is required from you to what quantity y^u will subscribe, You strive and capitulate to enlarge the quantity your selves had formerly moderated Let former Affemblyes judge y^u wherein 1500 plants per poll was the then ftint. And indeed soe empty of satisfacon or civility is this your anfwere to the first proposicon that whereas the kinge assures y^u that all other plantaçons shall bee regulated in their quantity y^u seeme to keepe distance in your obedience from a presumptuous doubt of his Ma^{ts} royall promise Soe that wee conceave y^u have not yet touched the poynte nor indeavoured at all to approach his Ma^{ts} commands for the lesseninge your quantity.

2. The second is of the same strayne wth the former, nor doe y^u seeme desirous to meete his Ma^{ts} pleafure, But as men in love wth their owne wayes study proposiçons instead of anfweres.

3. The profe is very pregnant howe unfable a foundacon y^u build upon in maynteninge the exceffe of this comodity of Tobaccoe when by pretendinge disability to build stores y^u intimate howe sick and languishinge a comon wealth y^u have yo^r poverty and disability to undertakeinges of consequence yearely increafeinge upon y^u for howe otherwife could former Affemblyes voluntarily actuate that w^{ch} nowe the Kinges comaunds receive repulse in.

4. Wee still find y^u in love and league wth your owne humors and in a resolute crossefenes to his Ma^{ts} proposiçons and therefore wee fynd yt fitt to retourne yo^r anfwere as altogether insufficyent as allsoe full tyme to give y^u caution to call to confideracon the last claufe of his Ma^{ts} royall lres, whereby y^u may find his Ma^{ty} resolved in case of your perversenes to advise of some other course wth the Lords of his Ma^{ts} most honorable privy Counfell concerninge your future regulatige.

5. Whereas the Kinges pleafure is that the right honorable *Henry Lord Matravers* shall have the rent of a Coyne hither wth a presumptuous contradiccon and retortinge you would insift upon such persons whoe shall stand wth your owne pleafure and approbacion w^{ch} wee must not admitt for anfwere. And for yo^r last claufe wherein y^u begge our affitance our reply is thus positive Wee cannot soe forgett our duties to that Maister and Kinge wee serve. And therefore if your anfwere stand upon these termes wee must dissolve yo^r meetinge and retourne your difobedyence

[The

[The Burgeffes' Anfwer to the Governor.]

To the right worpll the Governor and Counsell of State.

The humble anfwere of the Burgeffes of this grand Affembly to the fecond Reply.

WEE have accordinge to your Woꝛps propoficon wth our beft indeavo^{rs} compofed our former anfweres and reasons together and wee humbly intreate your woꝛps to conceive that the limittacon of planting hath cheefely hindred the fettinge ploughes to work and other good undertakeinges, for thereby divers perfons of good ability have beene forced from their ould plantaçons w^{ch} are the onely grounds usefull for the plough, and are ftill deterred from makeinge anie refolved fettlem^t in refpeçt they have beene compelled by their then prefente occaçons to feeke out and plant uppon thofe grounds w^{ch} would yeald moft tobaccoe upon a plant. W^{ch} if liberty of plantinge had beene permitted they would not have done. And further wee humbly intreate your Woꝛps to conceive that the cheefest meanes to leffen the quantity and better the quality of tobaccoe will be to take an exaçte and carefull courfe in veiweinge all tobaccoe and burninge that w^{ch} is bad. For by the due execucon thereof all men will defift from their vaft quantities and indeavour to excell in the goodnes w^{ch} hath allwayes beene helpfull to the price Whereas for fome fewe yeares paft the reftraynt and limitacon hath beene very prejudiciall to the goodnes of moft tobaccoes in the Colony by the gatheringe of leaves neare the ground wantinge fubftance and of an earthie fent and taft and the makeinge of fecond croppes. The planters for their prefent fubftance ftriveinge to make the moft tobaccoe of foe manie plants & poll although they have thereby hazarded the fpoyleinge of their whole cropps. Neither hath former limittacons ought leffened the quantity of tobaccoe for at leaft twoe thirds of the Inhabitants have thereby had liberty in refpeçt of their families to plant as much or more then their Workers in the ground could compaffe to tend foe that the reftraynte hath beene onely prejudicyall to fome fewe men w^{ch} for the moft parte have neither cattle nor anie other fubftance but their labours further wee humbly intreate your woꝛps to conceive that moft of the Inhabitants of this Colony are fenfible of the neceffary helpe and benefitt of draught oxen and ploughes that all men of ability haveinge the meanes for fuch undertakeinges will indeavour as foone as they can to obteyne and ymploy them.

[The Burgeffes' Anfwer.]

To the right Worpll the Governo^r and Captayne Generall of Virginia and the Counsell of State.

The humble anfwere of the Burgeffes of this prefent Grand Affembly unto the Kinges Ma^{ty}s Comaunds.

WHEREAS o^r moft graçous Sovereigne the Kinges Ma^{ty}e out of his princely care of us his people and this his Colony of *Virginia* hath beene pleased to take into his Royall confideraçon the weake and meane eftate of us his poore Subjects, occaſiond partely through the vaft quantities of tobaccoes by us here made, as allfoe by the boundles defire of gayne in thofe w^{ch} yearely fupply us, and to that purpoſe hath beene pleased to fignifie his facred comaunds unto us both for betteringe the quality & leffening the quantity of our tobaccoes and that wee fhould fignifie unto his facred Ma^{ty}e what quantities wee could yearely fend home, and to fett an exact price thereupon. Firft in obedience to w^{ch} comaunds Wee the Burgeffes of this prefent Grand Affembly upon the bended knees of our harts, doe proſtrate our felves at the feete of his moft facred Ma^{ty}e humblie intreatinge his highnes will bee gracouſelie pleased to conceive that in refpeçte of the uncerten number of people yearely comeinge hither and the mortality here, being fome yeares farre greater then others wee are unable
to

to resolve what quantities of tobaccos will be yearly made in this Colony, And wee further implore his sacred Ma^{tie} to admitt us the free use and benefitt of our comodity to encourage other people yearly to transport themselves hither to inhabitt, w^{ch} will the better strengthen and secure us against the trecherous practises of the Natives, the retraynte and abridgment of w^{ch} liberty will not onely disharten all men from comeinge hither (except such as are inforced through wante and poverty) but will cause many of the Inhabitants here to leave the colony and purchase the free use of their labour in some other plantacon soe that the Colony in short tyme in respect of our yearly mortality will be brought into soe meane and miserable estate as that wee shall not be able to defend ourselves, cattle and plantacons from the tyranny of the Natives And further wee humbly intreate his Ma^{ty} will be pleased to add unto us the continuance of his princely assistance, in conformeing all his highnes Subjects of other Plantacons plantinge Tobaccoe to confyne themselves to the just proporcon of 1500 plants p poll prohibitinge all ratoones and second cropps and for some fewe yeares to set the certen rate of twelve pence p pound upon all tobaccoe wth a penalty to be layed upon the planter to parte wth yt at anie under rate in regard the wast and excessive quantities of tobaccos w^{ch} are yearly made in the Southerne parts of *America* beinge twice soe much at the least p poll (as wee wth the uttermost of our indeavours can make) hath bene the cheefest meanes to beate downe the price of all Tobaccos. This course beinge begun may continue twoe or three yeares, by w^{ch} tyme wee may againe joyntly conclude to lessen the quantity and raise the price and if yt shall be deemed his Ma^{ty} losse in his customes by fallinge from soe greate to a farre lesse quantity of tobaccoe Wee humbly desire that his Ma^{ty} profitts may be raised wth the price, this wee conceive to be the onely way to advance the comodity of Tobaccoe wherein at present consistts our cheefest releefe and subsistence and to enable us for the undertakeinge of other comodities of more worthie consequence.

In the meane tyme wee humbly intreate to have the free use and benefitt in the trade of our tobaccoe w^{ch} will much encourage persons of quality to adventure themselves and estates hither, when they shall have free correspondance wth their freinds and other Adventurers in *England* to be furnished wth yearly supplies. And to make the best profit in the sale of their owne comodities and animate the most indutrious men of this Colony whoe have partely freed themselves from the greedy exaccions of Merchants here by exporting their tobaccoe yearly for *England* to be sould for the best advantage and returned in necessarie comodities whoe fyndeinge themselves in soe good course have hitherto resolved to settle their estates here for posterity and thereby are inabled in their resolucons to erect good buildinges plantinge and propagatinge gardens and orchards fenceinge and inclosures for cattle w^{ch} are the greatest motives causeinge every man to accompt that place to be his settled home Wherein hee hath soe voluntarilie spent his indeavours the retraynte of w^{ch} free comerce of our comodity will be a meanes to cause most men of ability and industry to converte their whole estates into tobaccoe and soe forsake the Colonie and take the oportunity of a present price for feare of future alteracon therein whose examples yt is doubtfull all men that can will followe, for prooffe whereof wee can instance diverse in the Colony whoe fearinge the abridgem^t of their former libertyes begin to repent their severall disbursem^{ts} some in good buildinge others in purchaseinge plantacons and buyeing of cattle wherefore yt is much to be feared that unles his Sacred Ma^{tie} will be pleased to continue us in our free indeavours, the future hopes of this Colony will be utterly subverted.

And in the meane tyme untill wee shall have certen assurance of all other his Ma^{ties} Plantacons in respect of our present ingagem^{ts} and in that the former limittacon of 1500 plants p poll hath already caused diverse of the Inhabitants here to forsake their plantacons, and to neglect the fenceinge of ground the plantinge of corne orchards and gardens the makeinge of pastures for cattle and other inclosures whoe have bene necessitated for their presente releefe and subsistence to remove and plant upon such ground as will yeald most tobaccoe upon a plante although they have suffered all other inconveniences

inconveniencies thereby And such as have not beene able to remove from their old and overworne plantacons have beene kept by that limittacon in continuall poverty and ingagem^{ts}. In regard their labour upon soe manie plants would not produce halfe soe much tobaccoe as others upon newe ground. Wee humbly intreate that wee may have the free liberty of plantinge tobaccoe as well as those his Ma^{ty} Subjects upon other plantacons untill there bee a generall conformity and that noe tobaccoe may passe but such as shall bee founde good and merchantable. Wee humbly desire that twoe men or more in every parish bee appoynted and sworn to veiwe the tobaccoe of each man's cropp and what they shall find good to bee sealed wth the seale appoynted for measures, and all other tobaccoe to bee burnt, And further that noe tobaccoe shall bee payed or received out of anie man's cropp or putt on board anie Shipp before the first day of *January* yearly before w^{ch} tyme wee conceive all tobaccoe will have endured the hazard of spoyleinge soe that the glut and vast quantity of our tobaccoe will bee much lessened and his Ma^{ty} duties and customes much advaunced When as noe pretence can bee made for the garblinge of tobaccoe, But such as shall bee damnified by the insufficiency of shippinge.

With the like obedience unto our dread Sovereigne wee humbly answer that the erectinge and buildinge of generall warehowfes and bringinge our tobaccoe unto them will bee very chargeable and burthenfome to the Colony w^{ch} at present wee are very unable to undergoe Besides much hazard of the damage and spoyleinge our tobaccoes by boatinge in respecte of the remoutenes of our plantacons one from another, the casuality of wynd and weather beinge considered and the greate charge to most of the Inhabitants whoe for want of sufficyent boates and meanes to procure them will bee continually enforced to pay for the transportacon of their tobaccoes unto the said Stores or Warehowfes, allsoe the continuall danger of fyreinge such stores eyther by the Indyans or otherwise, W^{ch} accident happeninge would bee the utter undoeing of diverse of his Ma^{ty} poore subjectes whose yearly cropps are the onely meanes for the relefe of themselves their Wives, Children and Familyes wth cloathing and other necessaryes Wherefore wee humbly intreate that convenient shippinge may bee licensed to come into every County where they will find every man's howse stores convenient for their ladinge, Wee beinge all seated by the rivers side.

And whereas his Ma^{ty} hath taken into his Princely care and consideracon the unconscionable dealinges of Merchants and Seamen exactinge the prices of their goods accordinge to the necessity of the Colony whereby wee are brought into very great ingagements Wee humbly intreate your wo^{rps} to consider howe unpossibile yt is for us to give a generall accompt of the present ingagem^{ts} of every particular man and the tyme when the debts were made and what thereof is unpayde when wee conceive that the third parte of the Countreyes debts at the least were made by partyes deceased and nowe remayne. to bee payde by their Executors and Administrators whoe can give noe other informacon then that they are soe much indebted But for what consideracon the said debts were made they are alltogether ignorant. Further wth all submission and thankfullnes unto our gracious Sovereigne Wee answer that our resolucons and indeavours are fully bent to free our selves from the thraldome of debtes and to give the Merchants such good and tymely satisfaccon as that they shall noe way bee discouraged from adventuringe hither as formerly allthough the price of our Tobaccoe bee raised w^{ch} in respect of lesseninge the quantity and betteringe the condicon thereof the Merchants will the sooner yeald unto, for the life of our beinge and subsistence principally confists in our yearly supplies. And our freedoms in the trade thereof w^{ch} gives great comfort to us his Ma^{ty} poore Subjects But many and unspeakeable are the miseryes of contracte.

Laftely Whereas his Ma^{tie} hath taken into his royall Confideraçon the wante of a Coyne for the encouragem^t of tradefmen in the Colony to followe their feveral profeffions and hath beene gracoufely pleaed to fignifie that the farthinge tokens that paffe for currant rechaunge wthin his highnes Kingdome of *England* fhall bee made currant heere, Wee wth the like obedience unto his facred Ma^{tie} doe anfwere that in regard the faid farthinges are very much under value of them in copper and therefore fubject to future alteraçons all tradefmen and others will bee difhartened to take them in fatisfaccon for their labour or in exchange for comodities. Wee therefore humbly intreate our gracious Sovereigne that the value of £5000 *sterlinge* may bee yearly tranfported into the Collony untill wee fhall fufficyently bee furnifhed therewth, W^{ch} fome wee conceave to bee fufficyent for the paym^t of Artificers and Workemen for fome fewe yeares, And will caufe them and diverfe others to defift from plantinge tobaccoe to followe other more worthie ymployments as erectinge of Townes, buildinge of fhippinge fifhing and gardeninge and breedinge of cattle and hogges both for the provifion of fhippinge and trade in the Colony w^{ch} are the mayne fynewes of all flourifhing comon Weales, And further wee humbly intreate his facred Ma^{tie} that the faid yearly fome of £5000 *sterlinge* may bee a currant coyne of filver fome what under the value wth the allowance of tenne ℥ centum for the encouragem^t of the undertakers whome his Ma^{ty} fhall appoynt to ingage themfelves by way of Banck or otherwife by Exchaunge. And wee humbly intreate your Wofps to affifte us in thefe our fubmiffive requests, and wee, as in duty bound, fhall ever pray &c

(Indorfed)

“*Virginia*”

“The laft Anfwere of the Burgeffes”

[Two Papers of the 1641/42 Assembly.]

The Declaration against the Company to be entered as the twenty-first act.

TO all christian people to whom these presents shall come to be read, heard or understood, We the Governor, Council and Burgeses of the Grand Assembly in *Virginia* send greeting in our Lord God Everlasting: Whereas *George Sandis*, Esq. being appointed agent for the colony by an Assembly 1639 hath exhibited a petition in the name of the adventurers and planters in *Virginia* to the Honourable House of Commons in Parliament in *England* for the restoring of the letters patents of incorporation to the late Treasurer and Company—mistaking his advice and instructions from the said Assembly; for his so doing it being neither the meaning nor intent of the said Assembly or inhabitants here for to give way for the introducing of the said company or any other.

To which intent and purpose this Grand Assembly having fully debated and maturely considered the reasons on both sides as well arguing for as against a company and looking back into the condition of the times under the company as also upon the present state of the colony under his majesties government they find the late company in their government intollerable the present comparatively happy and that the old corporation cannot with any possibility be again introduced without absolute ruin and dissolution to the colony for these reasons following, *vizt.*

1st. The intollerable calamity of the colony we find proved by many illegal proceedings and barbarous torments inflicted upon divers of his majesties subjects in the time of the said companies government all which appear *per* depositions taken at a Grand Assembly *anno* 1632 and is known to divers now living in the colony.

Also we find the whole trade of the colony to the general grievance and complaint of the inhabitants then and now appearing to us monopolized by the said company inso-much that upon the going home of any person for his country it was not free for him to carry with him the fruits of his labour for his own comfort and relief but was forced to bring it to the magazine of the company and there to exchange it for useles and unprofitable wares.

2dly. The present happiness is exemplified to us by the freedom of yearly assemblies warranted unto us by his majesties gracious instructions and the legal trial *per* juries in all criminal and civil causes where it shall be demanded. And above all by his majesties royal encouragement unto us upon all occasions to address ourselves unto him by our humble petitions which doth so much distinguish our happiness from that of the former times that private letters to friends were rarely admitted passage.

To the *third* for introducing the old corporation without ruin and dissolution to the colony at present as a thing not possible we conceive we have these just grounds.

1st. There can be no right or property introduced for them without proving the illegality of the King's proceedings so that all grants since upon such a foundation must of consequence be * * * and tending to displeasure, we the present planters enjoy our lands by immediate grant from his majesty if (as it is argued in their petition) the King had no power to grant our possessions must give place to their claim which is one invincible argument (as we conceive) of the ruin and dissolution to the colony at present; when if their pretences take place we must be outed of all, And whereas it is alledged that the charter of orders from the Treasurer and Company *anno* 1618, gives us claim and
right

right to be members of the corporation *quatenus* planters we find the company by the said charter where members planters and adventurers are considered by themselves and distinguished in privileges from planters and adventurers not being members and we further find ourselves (being the King's grantees) in the said charter condemned, the clause plainly pronouncing in these words (we do ordaine that all such persons as of their own voluntary will and authority shall remove into *Virginia* without any grant from us in a great and general quarter court in writing under our seals shall be deemed, as they are, occupiers of our land that is to say of the common land of us the said Treasurer and Company) much more such grantees as have their right from an erroneous judgment as they pretend.

2dly. That if the Company be renewed by which means they as aforeaid have leave and the strength of their own charter of orders publicly in this colony to displant us the wifer world we hope will excuse us if we be wary to depart with what (next our lives) nearest concerns us (which are our estates being the livelihood of ourselves, wives and children) to the curtesy and will of such taskmasters from whom we have already experimented so much oppression.

3dly. We may not admit of so unnatural a distance as a company will interpose between his sacred majesty and us his subjects from whose immediate protection we have received so many royal favours and gracious blessings

For by such admiffion

1st. We shall degenerate from the condition of our birth being naturalized under a monarchical government and not a popular and tumultuary government depending upon greatest number of votes of persons of several humours and dispositions as this of a company must be granted to be from whose general quarter courts all laws binding the planters here did and would again issue.

2dly. We cannot without breach of natural duty and religion give up and resign the lands which we had granted and hold from the king upon certain annual rents (fitter as we humbly conceive if his majesty shall so please for a branch of his own royal stem then for a company) to the claim of a corporation; for besides our births our possessions enjoin us as a fealty without a *salvasfide aliis dominis*.

We conceive by admiffion to a company the freedom of our trade (which is the blood and life of a commonwealth) is impeached; for they who with most secret reservation and most subtilty argue for a company tho' they pretend to submit the government to the King yet they reserve to the corporation propriety to the land and power of managing the trade, which word managing in any sense taken we can no ways interpret, then a convertible to monopolizing; for whether in this sense that all the commodities raised in the colony shall be parted with, exchanged or vended at such rates and prices as they set down or such wares and merchandize as they shall import or be disposed into their magazine or such bottoms as shall from time to time be licensed or ordered by them, or whether in this sense that the planters [obtain?] only such commodities and in such proportions as by advice and determination of their quarter courts shall be directed, still the terms and condition of the planters are subjected to a monopoly that is to their sole guidance governing and managing with what reason we leave to the world to judge; for tho' we submit in depth of judgment and understanding to such as shall sit at the helm there, yet it is very possible and indeed most probable that at this distance wife men may mistake and there is more likelihood that such as are acquainted with the clime and the accidents thereof may upon better grounds prescribe our advantages both for quantity and quality of commodities which by the bounty of his majesty we now enjoy by our Grand Assembly and in any other way will be destructive unto us according to our possession.

Though

Though we may admit the pretence that the government shall be made good to the King that is that the King shall nominate and appoint the Governor. First we find it directly (besides the scope of the part which infits upon the restoring of the company in all formalities next we take it at best but for a falcie and trap not of capacity enough to catch men with eyes and foresight for upon a supposition that a governor shall be named and appointed by his majesty yet his dependance (so far forth as continuing or displacing) will by reason of their power and interest in great men there rest in them which necessarily brings with it conformity to their wills in whatsoever shall be commanded, which how pernicious it will be to the colony according to our assertion in this head we leave to the ablest judgments.

We the Governor, Council and Burgeses of this present Grand Assembly having taken into serious consideration these and many other dangerous effects which must be concomitant in and from a company or corporation have thought fit to declare and hereby do declare from ourselves and all the commonalty of this colony that it was never desired, sought after or endeavoured to be sought for either directly or indirectly by the consent of any Grand Assembly or the common consent of the people. And we do hereby further declare and testify to all the world that we will never admit the restoring of the said company or any for or in their behalfs saving ourselves herein a most faithful and loyal obedience to his sacred majesty our dread soverain, whose royal and gracious protection and allowance and maintenance of this our just declaration and protestation we doubt not according to his accustomed clemency and benignity to his subjects to find. And we do further enact and be it hereby enacted and manifested *per* authority aforesaid that what person or persons soever either is or hereafter shall be any planter or adventurer shall go about by any way or means either directly or indirectly to sue for advice, assist, abet countenance or contrive the reducing of this colony to a company or corporation or to introduce a contract or monopoly upon our persons, lands or commodities upon due proof or conviction of any of the premises, (to wit) by going about by any way or means to sue for, advise, assist, abet, countenance or contrive the reducing of this colony to a company or corporation, or to introduce a contract or monopoly as aforesaid, upon the due conviction as aforesaid shall be held and deemed an enemy to the colony and shall forfeit his or their whole estate or estates that shall be found within the limits of the colony the one half shall be and come to public uses the other moiety or half to the informer. This act to be in force and the penalty therein contained to extend to all the adventurers and planters now residing in the colony upon the publication at *James City* and to all adventurers and planters now in *England* or elsewhere out of the limits the colony within five days after the arrival of this our said declaration, protestation and act within the kingdom of *England*, signed under our hands and sealed with our seal of the colony at *James City* the first day of *April* in the year of our Lord 1642 and in the eighteenth year of the reign of our soverain Lord *Charles* over *England*, &c.

The Governor, Council and Burgeses of this present Grand Assembly taking into serious consideration the many and weighty business begun in this present Grand Assembly and which yet do remain unfinished and to prevent all doubts whether the passing of the acts already agreed upon will not be a determination of this Assembly do hereby enact and by the authority of this present Grand Assembly be it enacted that notwithstanding the passing and enacting of divers acts already agreed upon this present Assembly shall left be determined but that it be adjourned to the *Thursday* in *Whitson* week being the second day of *June* next coming at which time and day the whole body of this present Assembly consisting of the Governor, Council and Burgeses shall repair to *James City* then and there to determine and finish all such matters as shall be found necessary to be concluded

concluded and enacted whether in matters already begun or other buſineſs that ſhall then begin or be propoſed that may redound to the glory of God, the honour of his majeſty and the good of the Colony.

William Berkeley.

Fran. Wyat, Sam. Mathews, Cha. Wormely, Wm. Peirce, Geo. Menefy, Henry Brown, Thoſ. Pettus, Rich'd Bennet.

Geo: Ludlowe.

*Rich'd Townſhead
John Upton
Obedience Robins
Ben: Harrifon
Thoſ. Dewe
John Hill
Ferd. Franklin*

*John Weale
Edw'd Hill
Thoſ. Harwood
Nath. Gough
Jos. Johnson
Math. Chiles
Wm. Dacker*

*Wm. Butler
Thoſ. Fallowes
Geo. Worleigh
Geo. Hardy
Fra. Fowler
Thoſ. Bernard
Edward Windham.*

God Save the King.

A Remonſtrance¹ of the Grand Affembly.

WHEREAS the natural and moſt wiſhed effects of Affemblys may ſummarily be comprehended and [in] the ordering and enacting of good and wholeſome laws and ratifying and relieving of ſuch diſorders and grievances which are incident to all ſtates and republic[s] in which conſiderations this Affembly may ſeem to have declined and ſwerved from thoſe true intents of ſo happy conſtitutions if their endeavours and declarations be apprehended either by a bare view of the laws few in number and therefore not anſwering the expectation of a meeting exceeding cuſtomary limits of time in this place uſed or by comparing the payments and levies now impoſed much more free and in reſpect that in them the grievance of the inhabitants were principally ſtated,

It is therefore thought fit by them to preſent and remonſtrate to the colony the weighty conſequence and benefits redounding thereto by their late conſultations.

1ſt. The firſt is inſtanced by repealing the act of four pound *per* poll yearly to the Gov. which is a benefit deſcending unto us and our poſterity which we acknowledge contributed to us by our preſent Gov.

Next by abolliſhing condemnations and cenſures (preſidental from the time of the corporation) of the inhabitants from colonies ſervice wherein we may not likewiſe ſilence the bounty of our preſent Governor in preferring the public freedom before his particular profit in which act alſo we may pronounce the inhabitants abſolutely to have recorded the birthright of their mother nation and the remains of the late companys oppreſſion to be quite extinguished.

3dly. The near approach which we have made to the laws and cuſtoms of *England* in proceedings of the court and trials of cauſes.

4thly. The rules and formes ſet down for deciding of differencies and debates concerning titles of land and otherwiſe.

5thly. The appropriating and accomodating of pariſhes with metes and bounds that God Almighty may be the more duly ſerved.

6thly.

¹ "Remonſtrance" here means a ſtatement or representation.

6thly. The treaties and overtures with the Gov. of the province of *Mariland* requiring much time for maturing and very successful in opening a trade in the Bay of *Chesepiacke*.

7thly. The settling of peace with friendship with the Indians by mutual capitulation and articles agreed and concluded on in writing by many messages and interruptions lengthened.

8thly. The Common grievances relieved and removed in assentments proportioning in some measure payments according to mens abilities and estates augmented unto the wealthier sort by the number of the milk kind and in that relief afforded to the poorer sort of the inhabitants which course through the strangeness thereof could not but require much time of controverting and debating.

9thly. Lastly the gracious inclination of his majesty ever ready to our protection and now more particularly assured to us together with the concurrence of a happy parliament in *England* were the greater motives to us to take the opportunity of establishing our liberties and privileges and settling our estates often heretofore assaulted and threatened and was lately invaded by the late corporation and of preventing the future designs of monopolizers contractors and preemptors ever hitherto incessant upon us not only bereaving us of all cheerfulness and alacrity but usurping the benefit and disposition of our labours and we apprehended no time could be mispent or labour misplaced in gaining a firm peace to ourselves and posterity and a future immunity and ease from taxes and impositions which we expect to be the fruits of our endeavours and to which end we have thought it reasonable for us liberally and freely to open our purses not doubting but all well affected persons will with all zeal and good affection embrace the purchase and pray to Almighty God for the success.— Given at a Grand Assembly at *James City* the first of *July* 1642.

William Berkeley.

[From the *Bancroft Transcripts*, *New York Public Library*, V, 435-437.]

[King *Charles* I. to the Governor Council & Assembly of *Virginia*.]

C. R.

5 *July* 1642.

TRUSTY and Wellbeloved. Wee greet you well, Whereas Wee have received a Petition from you, Our Governor Council and Burgeses of the Grand Assembly in *Virginia*, together with a Declaration & Protestation of the first of *Aprill* against a Petition presented in yo^r names to our House of Commons in this our Kingdome for restoring of the Letters Patents for the Incorporacion of the late Treas^r and Company contrary to our intent and meaning, And against all such as shall so go about to alienate you from Our immediate Protection.

And Whereas you desire by yo^r Petition that Wee should confirm this yo^r Declaration and Protestacion under Our Royall Signet, & transmit it to that our Colony. These are to signify that yo^r acknowledgment of our great bounty and favour towards you, and yo^r so earnest desire to continue under our immediate Protection is very acceptable to us; And that as Wee had not before the least intention to consent to the introduction of any Comp^a over that our Colony So Wee are by it much confirmed in our former resolucons, as thinking it unfitt to change a forme of Government wherein (besides many other reasons given and to be given) Our Subjects there (having had so long experience of it) receive so much contentment and satisfaction. And this our approbacion of yo^r Petition and Protestacion, Wee have thought fit to transmit unto you under our Roy^l Signet, Given at our Court at *Yorke* the 5th day of *July* 1642. To Our Trusty and Wellbeloved Our Governor Councill and Burgeses of the Grand Assembly in *Virginia*.

[Orders Passed at the 1643/44 Sesssion.]

June 3^d 1644:

I*t is ordered by the Authority aforesaid* that the last yeares Sherriffes throughout this Collony respectively doe at the next sesssion of Affembly bring in all their Accoumpts of the last yeare. And they are further hereby required to take due Notice hereof as they will answere the Contrary at their Φ ill.

It is ordered by the Authority aforesaid that whereas by the late bloody Maffacre divers bufyneffes have wanted their present dispatch and especially the Adminiftration of the Oath a matter of noe meane Confequence in these dangerous tymes. *It is therefore ordered* that the Com^{rs} of each County fortwth doe see the due execution thereof according to the former order to that purpose provided.

Whereas New Matters of Importance hath nowe most unexpectedly interposed itself, as allsoe the deplorable estate of this afflicted Country being unable to Mannadg the affaires that doth contynually aryse by reason of this present Warre. being noe wayes furnished wth a fitt Φ porçon of Armes. and Amunition, for the preservation and safety thereof. But that in all likelyhood may declyne to a sodaine Ruine and Defolation. *It is therefore ordered by this p^{rs}ent Grand Affembly* that the Governo^r bee entreated to repaire for *England*. and Implore his Ma^{ty}s gracious assistance for our Releife w^{ch} Motion and desires of our he having willingly embraced. It is thought fitt this present Affembly having used their best endeavo^{rs} for the Countrys defence & preservation. that it bee ordered that there bee an adiournm^t untill the 15th day of *November* next at w^{ch} tyme all Bufyneffes nowe depending may then receive a finall determination. And that the Sherriff of each County bee hereby authorized and Comnded to give Notice to the Burgeffes of each County to make their Repaire to *James Citty* at the tyme aforesaid. hereof they may not faile as they will answere the Contrary at their Φ ill.

It is ordered by this p^{rs}ent Grand Affembly that M^r *Cornelius Loyd* bee employed to the *Dutch* Plantacon the *Sweeds* and *New England*. as agent for the Country. and that he have Commiffion granted him for that purpose. Whoe hath freely proffered for the expedition of the voyadge besides his owne service to Lend the Country thirty barrels of Corne and Sixe hogshheads of Tob^o And what Amunition shall bee brought in to bee disposed of by the Governo^r & Counsaile.

[Order Passed at the *October* 1644 Session.]

October 2^d A^o 1644.

IN respect of the present Inability of divers peoples wthin this Collony by the late Maffacre. *It is therefore thought fitt and accordingly ordered. by the authority of this present grand Affembly.* That all servants Armes Amunition and Corne w^{ch} is for every ones provision for the present, bee free & exempted from the Rigour of execution. And this to contynue till the next Affembly.

[Orders Passed at the *March* 1645/46 Session.]

WHEREAS the Yeare was farre spent, before the Levyes were appoynted and p^rporcioned: w^{ch} hath occasioned very badd paym^{ts} to the great detriment of the Creditors to the publique Levy. W^{ch} was not in the possible power of the late Sherriffes to prevent; *It is therefore thought fitt* that the said Sherr: *vizt* of the last yeare bee and are hereby authorized to demand and receive specialties, wth security and forbearance for all arreares due to the publique, eyther in their owne names, or in the names of the Creditors, yf they shall see desire it, for paym^t at the next Cropp; wth power to the said Sherriffes in case the debtors shall deny eyther paym^t or security and forbearance as aforesaid. That then the said Sherriffes shall have power to diftrayne. And that the new elected Sherriffes in case of non paym^t y^e nexte yeare, of such specialties see taken as aforesaid, shall have power to diftrayne of the Goods or bodies of such debtors.

Upon the Intercession of the house of Commons. The Governor and Councill doe thinke fitt to mitigate the height of punishment w^{ch} might bee iustly inflicted upon all Offendors, in the Petitioners Condition: *It is therefore thought fitt & accordingly ordered by this Grand Affembly.* That *Christopher Burroughs* shall make a publique acknowledgment of his offence, upon his Knees, before this grand Affembly. And likewyse in the two parish Churches, in the County of Lower *Norfolk*, in the tyme of divine service: And at the County Court. And see disabled forbearing any publique office, eyther in Church or Commonwealth, for seaven yeares after yett to come: And put in security for his good behaviour at the said County Court.

[By the Governor, Counsell, & Burgeesses
of the Grand Assembly in *Virginia*,
Aprill the 5th 1647.]

WHEREAS many & most absolute necessities have given Cause to severall late grand Assemblies to establish fundry solemne Acts & publish declarations thereupon to invite & encourage the *Dutch* nation to a Trade & Commerce with the Inhabitants of the Collony, w^{ch} now for some few yeares they have Injoyed with such Content, Comfort & releife that they esteeme the continuance thereof, of noe lesse consequence then as a relative to their being & subsistence.

Now for as much as rumours & reports are rayfed and spread abroad, that by a late ordenance of the Parliament of *England*, all strangers are prohibited trade wth any of the *English* plantacons, w^{ch} wee conceive to bee the invention of some *English* Merchants on purpose to affright & expell the *Dutch*, and make way for themselves to Monopolize not onely our labours and fortunes, but even our persons, w^{ch} wee may with soe much fence of smart deliver, in that with the confidence of truth wee may averre, that the Monopolize, contracts & of prejects of our commodity designed upon & against us by the *English* Merchants for false ends, & to our ruine have cost us more in charges of Assemblies, then would have sufficiently fortified the Country with the advantage of many a profitable nurfurye for Manufactures:

In w^{ch} report wee have Cause to feare the hand that hath allready bin soe heavy upon us & with Charity enough to doubt a practise from those whose heads have been over busily & restlessly employed to gaine their ends upon us:

ffor wee may not presume on such a thought that the most hono^{ble} houses of Parliament would conclude us in a Case of right & priviledge granted unto us by ancient Chart^r. (*Vidzt*) that it should be lawfull for the Planters to entertaine trade with any nation or people in amitye with his Ma^{tie} especially without hearing of the parties principally interested, w^{ch} infringeth noe lesse the libertye of the Collony & a right of deare esteeme to free borne persons: (*Vidzt*) that noe lawe should bee established within the kingdome of *England* concerninge us without the consent of a grand Assembly here.

Or in Case the most hono^{ble} houses have bin abused & by the wylie & spetious pretences of Merchants, or Seamen trading to the Collony bin circumvented to the passing of such an Ordinance, wee are assured the Justnes of our Cause will finde admittance & vindication from y^r hono^{ble} Counsell: The rights, immunities & priviledges of our Charter by as due a Clayme belonginge to us, as is the wages of an hirelinge that hath laboured for it, for they only gave us Invitacon & were the Condiçionall reward & guerdon p^rpounded for our Undertakeings in those rugged paths of Plantacon.

But haveing neyther received p^rhibition or Intimacon concerning the sayd trade, wee can interprett noeother thing from the report, then a forgerye of avaritious persons, whose sickle hath bin ever long in our harvest allreadye.

Howsoever if the Act were illegall (though on the contrary wee are warranted by right & therefore by lawe) wee must like Creatures even of fence p^rvide for our owne safeties & subsistence.

In Order whereupon, wee doe againe invite the *Dutch* Nation, & againe publish & declare all ffreedome & libertie to them to trade within the Collony. And doe oblige ourselves & the whole Collony to defend them with our uttermost power & abilitye, in the peaceable fruition thereof eyther by reparacon from the estates of those who shall offer them any violence or cause them any disturbance or otherwise; & shall p^rceede gainst them as Oppugners of our undoubted rights & priviledges.

[Speech of Sir *Wm. Berkeley*, and Declaration of the Assembly, *March* 1651 (1650/51)].

GENTLEMEN you perceave by the Declaration that the men of *Westminster* have fet out, which I beleeve you have all seene, how they meane to deale with you hereafter, who in the time of their wooing and courting you propound such hard Conditions to be performed on your parts, & on their owne nothing but a benigne acceptance of your duties to them.

Indeed me thinks they might have proposed something to us which might have strengthened us to beare those heavy chaines they are making ready for us, though it were but an assurance that we shall eat the bread for which our owne Oxen plow, and with our owne sweat we reape; but this assurance (it seemes) were a franchise beyond the Condition they have resolu'd on the Question we ought to be in: For the reason why they talke so Magisterially to us in this, we are forsooth their worships slaves, bought with their money and by consequence ought not to buy, or sell but with those they shall Authorize with a few trifles to Cozen us of all for which we toile and labour.

If the whole Current of their reasoning were not as ridiculous, as their actions have been Tyrannicall and bloody; we might wonder with what browes they could sustaine such impertinent assertions: For if you looke into it, the strength of their argument runs onely thus: we have laid violent hands on your Land-Lord, possess'd his Manner house where you used to pay your rents, therefore now tender your respects to the same house you once revered: I call my conscience to witnes, I lie not, I cannot in all their Declaration perceave a stronger argument for what they would impose on us, then this which I have now told you: They talke indeed of money laid out on this Country in its infancy: I will not say how little, nor how Centuply repaid, but will onely aske, was it theirs? They who in the beginning of this warr were so poore, & indigent, that the wealth and rapines of three Kingdomes & their Churches too, cannot yet make rich, but are faine to seeke out new Territories and impositions to sustaine their Luxury amongst themselves. Surely *Gentlemen* we are more slaves by nature, then their power can make us if we suffer our selves to be shaken with these paper bullets, & those on my life are the heaviest they either can or will send us.

'Tis true with us they have long threatned the *Barbados*, yet not a ship goes thither but to beg trade, nor will they do to us, if we dare Honourably resist their Imperious Ordinance. Assuredly *Gentlemen* you have heard under what heavy burthens, the afflicted *English* Nation now groanes, and calls to heaven for relief: how new and formerly unheard of impositions make the wives pray for barrenness and their husbands deafnes to exclude the cries of their succourles, starving children: And I am confident you do believe, none would long endure this slavery, if the sword at their throats Did not Compell them to Languish under the misery they howrely suffer. Looke on their sufferings with the eyes of understanding, and that will prevent all your teares but those of Compassion. Consider with what prisons and Axes they have paid those that have served them to the hazard of their soules: Consider your selves how happy you are and have been, how the Gates of wealth and Honour are shut on no man, and that there is not here an Arbitrary hand that dares to touch the substance of either poore or rich: But that which I woud have you chiefly consider with thankfullnes is: That God hath seperated you from the guilt of the crying blood of our Pious Souveraigne of ever blessed memory:

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But mistake not *Gentlemen* part of it will yet staine your garments if you willingly submit to those murderers hands that shed it: I tremble to thinke how the oathes they will impose will make those guilty of it, that have long abhor'd the traiterousnesse of the act: But I confesse having had so frequent testimonies of your truths and courages, I cannot have a reasonable suspition of any cowardly falling of from the former resolutions, and have onely mentioned this last, as a part of my duty and care of you, not of my reall doubts and fears: or if with untryed men we were to argue on this subject, what is it can be hoped for in a change, which we have not already? Is it liberty? The sun looks not on a people more free then we are from all oppression. Is it wealth? Hundreds of examples shew us that Industry & Thrift in a short time may bring us to as high a degree of it, as the Country and our Conditions are yet capable of: Is it security to enjoy this wealth when gotten? With out blushing I will speake it, I am confident there lives not that person can accuse me of attempting the least act against any mans property? Is it peace? The Indians, God be blessed round about us are subdued; we can onely feare the *Londoners*, who would faine bring us to the same poverty, wherein the *Dutch* found and relieved us; would take away the liberty of our consciences, and tongues, and our right of giving and selling our goods to whom we please. But *Gentlemen* by the Grace of God we will not so tamely part with our King, and all these blessings we enjoy under him; and if they oppose us, do but follow me, I will either lead you to victory, or loose a life which I cannot more gloriously sacrifice then for my loyalty, and your security.

Vera Copia John Corker

Cler: Dom: Commons.

This speech being ended the pretended Act of Parliament was publicly read in the Assembly where upon (at the motion of the House of Commons to the Governour and Councill) this following vindication was unanimously agreed on.

We The Governour Councill and Burgeesses of *Virginea*, have seene a printed paper bearing date at *London* the 3. of *Octob.* 1651. wherein (with other Plantations of *America*) we are prohibited trade and Commerce with all but such as the present power shall allow of: We likewise see our selves branded in it with the ignominious names of Rebels and Traitors, which we so much abhor, that we would detest our selves if we thought they were deservedly imposed on us: And shall take leave to thinke we are unworthily slandered, till stronger proofes then we yet find, are brought against us to convince our judgements and Consciences that we are guilty of those Horrid Crimes. Therefore though we professe that our judgments and industry, have been long solely and necessarily employed in providing against the necessities of our poore families, and by Consequence should not presume that any Act or Transaction of ours could be worthy the publique view: Yet since the plainest vindication of innocencie is accepted, we shall intimate the reasons of ours, imploring charitable and abler judgments to perfect what we shall hint to them in our answeres, to the Aspersions we find Authorized against us.

And *First* whereas they say, That the Plantations in *America* were seated at the Cost and established by the Authority of some in *England*, and therefore ought to be governed by the Lawes of *England*.

We conceive we may safely confesse all this, and yet not run the Hazard of any misprision of guilt, nay we thinke, this only testimony of theirs were sufficient to cleere us from the Aspersions of Rebels, and Traitors, if we had no other markes of innocency left us: For we say, we were some of us sent, others permitted to come hither by the gracious favour of our Pious Kings, sworne to governe, and be governed (as farr as possible the place was Capable of) by the Lawes of *England*; which lawes we have inviolably and sacredly kept as farr as our abilityes to execute and our Capacityes to judge would permit us, and with reason; for these lawes onely in such times of tumults, stormes, and tempests, can humanely prevent our ruines: These lawes often enjoyed us the

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Oathes of Allegiance and Supremacy, and they tell us, that no power on earth can absolve or manumit us from our obedience to our Prince, and his lawfull successors: These lawes tell us that when we have don all we can to avoyd it, we may resist violence with force, and in a lawfull defence of our selves, destroy any that shall endeavour to take away our lives or substance: These lawes we professe are our guides and do beleve we deserve punishment and infamy if we willingly, or willfully deviate from them.

Secondly suppose we were such slaves by nature as to be awed with the iron rods held over us, in what hand soever found; would not then themselves thinke we deserved the worst usage could be inflicted on us. For what assurance could we give of our new Loyalty, after having so childishly, and impiously, relinquisht our old Allegance? Could we reasonably repine to pay with our owne sweat and blood, those Garrisons which must be kept among us, to fix such volatile obedience as ours would appeare to be? For as the Question is stated to us, we ought to yield to whosoever possesse themselves of *Westminster* Hall: Where we experimentally have found, the heads of divers factions and pretensions, have presided and excluded one the other; and we have no Oraculous assurance, but it may be so againe; therefore in a Condition so dubious and uncertaine, as ours would be (wherein no lesse then our soules are concern'd) we desire them to permit us simple men to take leave to follow the perspicuous and plaine pathes of God and our lawes, & that they would be pleas'd to remember that good charitable Axiome in them, That none should be condemned till they were first Heard.

Thirdly we are told of Great summes of money laid out on this Country: For all we have receav'd we are most thankfull: But surely it will be no evidence of ingratitude to say to whom we owe most, & this must needs be acknowledg'd to our Kings, who gave liberally themselves and permitted Lotteries to be erected for us: We confesse private adventurers added much, and might have enjoyed the fruit of it, If the first blow to the Colony, had not taken from them all hopes or desires of prosecuting that, which they so earnestly begun; But certainly what ever their liberallity was, we should have avoided it more then our Rattle snakes, if it had inevitably made slaves, our selves, our wives, children, and Posterity. Since the Massacre onely private Marchants have adventured hither for private gaines, and we confesse have supplied us with that, which we could not well have wanted, but this we suppose would be no convincing argument to *France*, *Spaine*, or the *Low Countries*, for their subjection to *England* because these severall places have been thus furnish't by her. If then we owe any thing, it is to our Kings liberallity, care, and protection, and we beseech you give us leave to pay our acknowledgement to them.

Fourthly we are told of usurping a Government to our selves. We wish we could transmit our records to the view of our accusers; By them it would appeare how little we deserve this imputation. For since the beginning of the Colony we have never innovated nor altered any thing in the maine of the Government: But in case we had done it, what more likely Patrons could we chuse, to protect us then those who accuse us? Grant we had banish'd, confin'd, imprison'd, condemn'd, and executed those that refuse to obey the lawes confirm'd by many consummated free Parliaments: would not those pardon and absolve us who have done the same to others that have refused to obey their edicts, whom they in their consciences beleve they ought not to acknowledge to be a Parliament? Yet the truth is, we have done none of these things, no man here ever suffer'd in his person or estate: Concerning the differences in *England*, our lawes keepe them in better awe then to dare to speak against the Protector of them: 'Tis true indeed Two Factious clergy men, chose rather to leave the Country then to take the Oathes of Allegance, and Supremacy, and we acknowledge that we gladly parted with them.

Having answered these accusations, we appeale even to their owne judgments that produced them whether we deserve those hatefull names of Rebels and Traitors: But we believe they will still use them to us and others because those Lucky Bugbeares of Rebels, and Malignants, have frightened divers to the desertion of honest causes: Yet
being

being (as we suppose in their owne consciences) free from these imputed crimes, (though very short fought in such subtle matters) we thinke we can easely find out the cause of this excluding us the society of Nations, which bring us necessaries for what our Country produces: And that is the Avarice of a few interested persons, who endeavour to rob us of all we sweat and labour for: Therefore on the whole matter we Conclude: We are resolv'd to Continue our Allegiance to our most Gracious King, yet as long as his gracious favour permits us, we will peaceably (as formerly) trade with the *Londoners*, and all other Nations in amity with our Sovereigne: Protect all forraigne Merchants with our utmost force from injury in the rivers: Give letters of Reprifall to any injured within our Capes: Allwaies pray for the happy restauration of our King, and repentance in them, who to the hazard of their soules have opposed him.

This is unammously consented to by the Governor, Councill and Burgeffes

Teste

Ro: Huberd Cl: Cons:

Johan Corker Cl: Dom: Com:

ARTICLES.

AT THE SURRENDER OF THE COUNTRIE.

[*March 12, 1651/52.*]

ARTICLES agreed on and concluded at *James Cittie* in *Virginia* for the furrendering and settling of that plantation vnder the obedience and government of the Common Wealth of *England*, by the commiffioners of the Councill of State, by authoritie of the Parliament of *England* and by the Grand Affembly of the Governour, Councill and Burgeffes of that countrey.

First, It is agreed and cons'ted that the plantation of *Virginia*, and all the inhabitants thereof, fhall be and remaine in due obedience and fubjection to the common wealth of *England*, according to the lawes there eftablished, And that this fubmiffion and fubfcription bee acknowledged a voluntary a ct not forced nor conftained by a conquest vpon the countrey, And that they fhall have and enjoy fuch freedomes and priviledges as belong to the free borne people of *England*, and that the former government by the comiffions and inftructions be void and null.

2dly. Secondly, that the Grand Affembly as formerly fhall convene and tranfa ct the affairs of *Virginia*, wherein nothing is to be a cted or done contrarie to the government of the common wealth of *England* and the lawes there eftablished.

3dly. That there fhall be a full and totall remiffion and indempnitie of all a cts, words or writeings done or fpoken againft the parliament of *England* in relation to the fame.

4thly. That *Virginia* fhall have and enjoy the antient bounds and lymitts granted by the charters of the former Kings, And that we fhall feek a new charter from the parliament to that purpose againft any that have intrencht vpon the rights thereof.

5thly. That all the pattents of land granted vnder the collony feale, by any of the precedent Governours fhall be and remaine in their full force and ftrength.

6thly. That the priviledge of haveing fiftie acres of land for every perfon transported in the collony fhall continue as formerly granted.

7thly. That the people of *Virginia* have free trade as the people of *England* do enjoy to all places and with all nations according to the lawes of that common wealth, And that *Virginia* fhall enjoy all priviledges equall with any *English* plantations in *America*.

8thly. That *Virginia* fhall be free from all taxes, cuftomes and impositions whatsoever, and none to be impofed on them without confent of the Grand Affembly, And foe that neither fforts nor caftles bee erected or garrifons maintained without their confent.

9thly. That noe charge fhall be required from this country in refpect of this prefent fleet.

10thly. That for the future fettlement of the countrey in their due obedience, the engagement fhall be tendred to all the inhabitants according to a ct of parliament made to that purpose, that all perfons who fhall refufe to fubfcribe the faid engagement, fhall have a yeares time if they pleafe to remove themfelves, and their eftates out of *Virginia*, and in the meantime during the faid yeare to have equall juftice as formerly.

11thly. That the vfe of the booke of common prayer fhall be permitted for one yeare enfueinge with reference to the confent of the major part of the parifhes, Provided that thofe things which relate to kingfhipp or that government be not vfed puliquely; and the continuance

continuance of ministers in their places, they not misdemeaning themselves: And the payment of their accustomed dues and agreements made with them respectively shall be left as they now stand during this ensuing year.

12thly. That no man's cattell shall be questioned as the companies vntles such as have been entrusted with them or have disposed of them without order.

13thly. That all amunition, powder and arms, other then for private vse shall be delivered vp, securitie being given to make satisfaction for it.

14thly. That all goods allreadie brought hither by the *Dutch* or others which are now on shoar shall be free from surprizall.

15thly. That the quittrents granted vnto vs by the late Kinge for seaven yeares bee confirmed.

16thly. That the commissioners for the parliament subscribing these articles engage themselves and the honour of the parliament for the full performance thereof: And that the present Governour and the Councill and the Burgeses do likewise subscribe and engage the whole collony on their parts.

Rich: Bennett, Seale.

Wm. Claiborne, Seale.

Edmond Curtis, Seale.

These articles were signed and sealed by the commissioners of the Councill of State for the Common Wealth of *England*, the twelveth day of *March*, 1651.

Articles for the surrendring *Virginia* to the subjection of the Parliament of the Common wealth of *England*, agreed vpon by the honourable the Commissioners for the Parliament and the hon'ble the Governour and Councill of State.

First, That neither Governour nor councill shall be obliged to take any oath or engagement to the Common-Wealth of *England* for one whole year And that neither Governour nor Councill be censured for praying for or speaking well of the King for one whole year in their private houses or neighbouring conference.

2dly. That there be one sent home at the present Governour's choice to give an accompt to his Ma'tie of the surrender of his countrey, the present Governour bearing his charges, that is S^r *William Berkeley*.

3dly. That the present Governour, that is S^r *William Berkeley* and the Councill shall have leave to sell and dispose of their estates, and to transporte themselves whether they please.

4thly. That the Governour and Councill though they take not the engagement for one whole year shall yet have equall and free justice in all courts of *Virginia* vntill the expiration of one whole year.

5thly. That all the Governour's and Councill's land and houses, and whatsoever belongeth to them bee particularly secured and provided for in these articles.

6thly. That all debts of the Governour's by act of assembly, and all debts due to officers made by the Assembly bee perfectly made good to them, And that the Governour be paid out of the goods remaining in the countrey of the *Dutch* ship that went away cleer for *Holland* without paying his customs.

7thly. That the Governour may have free leave to hire a shipp for *England* or *Holland* to carrie away the Governour's goods, and the Councill's, and what he or they have to transporte for *Holland* or *England* without any lett * * * or any molestation of any of the State's shippes att sea or in their rivers or elsewhere by any of the shippes in the common wealth of *England* whatsoever.

8thly. That the Capt of the forte be allowed satisfaction for the building of his house in forte island.

9thly. That all persons that are now in this collonie of what quality or condition foever that have served the King here or in *England* shall be free from all dangers, punishment or mulkt whatsoever, here or elsewhere, and this art'e. as all other articles bee in as cleer termes as the learned in the law of arms can exprefs.

10thly.

10thly. That the same instant that the commissions are resigned an act of indemnity and oblivion be issued out under the hands and seals of the commissioners for the parliament, And that no persons in any court of justice in *Virginia* be questioned for their opinions given in any causes determined by them.

11thly. That the Governour and Council shall have their passes to go away from hence in any ships in any time within a year: And in case they goe for *London* or other place in *England* that they or any of them shall be free from any trouble or hindrance of arrests or such like in *England*, and that they may follow their occasions for the space of six months after their arrivall.

Rich: Bennett, Seale.

Wm. Claiborne, Seale.

Edmond Curtis, Seale.

These articles were signed, sealed, sworn unto by vs the commissioners for the parliament of the common wealth of *England*, the 12th day of *March*, 1651.

An Act of Indemnity made at the Surrender of the Countrey.

WHEREAS by the authority of the parliament of *England*, wee the commissioners appointed by the Council of State authorized thereto having brought a fleet and force before *James Cittie* in *Virginia* to reduce that collonie under the obedience of the commonwealth of *England*, and finding force raised by the Governour and countrey to make opposition against the said fleet, whereby assured danger appearing of the ruine and destruction of the plantation, for prevention whereof the Burgeses of all the severall plantations being called to advise and assist therein, vpon long and serious debate, and in sad contemplation of the great miseries and certaine destruction, which were soe neerly hovering over this whole countrey; Wee the said commissioners have thought fitt and condescended and granted to signe and confirme under our hands, seals and by our oath, Articles bearing date with these presents, And do further declare, That by the authority of the parliament and common wealth of *England* derived unto vs their commissioners, That according to the articles in generall, Wee have granted an act of indemnity and oblivion to all the inhabitants of this colloney, from all words, actions or writings that have been spoken, acted or writt against the parliament or commonwealth of *England* or any other person from the beginning of the world to this daye, And this we have done, That all the inhabitants of the collonie may live quietly and securely under the comon-wealth of *England*, And wee do promise that the parliament and common-wealth of *England* shall confirme and make good all those transactions of ours, Witnes our hands and seals this 12th day of *March*, 1651.

Richard Bennett, Seale.

Wm. Claiborne, Seale.

Edm. Curtis, Seale.

[Some of the Proceedings of the Grand Assembly, *April-May*, 1652.]

The oath administered to the Burgeffes:

YOU and every of you shall swear vpon the holy Evangelist, and in the sight of God to deliver your opinions faithfully and honestly, according to your best vnderstanding and conscience, for the generall good and prosperitie of this country and every perticular member thereof, and to do your vtmost endeavor to profecute that without mingling with it any perticular interest of any person or persons whatsoever.

John Corker, Cl. Dom. Com.

James Citty, the 30th April, 1652.

AFTER long and ferious debate and advice taken for the settleing and governing of *Virginia*, It was vnanimously voted and concluded, by the commissiioners appointed here by authority of parliament and by all the Burgeffes of the severall countys and plantations respectively, vntill the further pleasures of the states be knowne: That M^r *Richard Bennett*, Esq. be Governour for this ensuing yeare, or vntill the next meeting of the Asssembly, with all the iust powers and authorities that may belong to that place lawfully: And likewise that Collo. *William Claiborne* be Secretarie of State, with all belonging to that office, and is to be next in place to the Governour, next that the Councill of State be as followeth, (*vizt.*) Capt. *John West*, Col. *Sam. Mathewes*, Coll. *Nathaniel Littleton*, Coll. *Argoll Yearly*, Coll. *Tho. Pettus*, Coll. *Humph. Higgison*, Coll. *George Ludlow*; Coll. *Wm. Barnett*, Capt. *Bridges ffreeman*, Capt. *Tho. Harwood*, Major *Wm. Taylor*, Capt. *ffrancis Epps*, and Leiv'tt. Coll. *John Cheesman*, and they shall have power to execute and do right and equall iustice to all the people and inhabitants of this collony according to such instructions as they have or shall receive from the Parliament of *England* and according to the knowne lawe of *England*; And the acts of Asssembly here established; And the said Governour, Secretary and Council of State are to have such power and authorities and to act from time to time, as by the Grand Asssembly shall be appointed and granted to their severall places respectively for the time abovesaid: of which all the people which inhabit or be in this country are hereby required to take notice and accordingly conforme themselves therevnto. God save the Common-Wealth of *England* and this countrey of *Virginia*.

May 2d, 1652.

IT IS resolved That the commissiioners of the severall counties be chosen by the Houe with this proviso, That if any iust complaint be proved against any chosen they shall be suspended the next session of Asssembly.

May 5th, 1652.

IT IS agreed and thought best for the government of this country by the Governor, Council and Burgeffes that the right of election of all officers of this colony be and appertain to the Burgeffes the representative of the people, and it is further agreed for the present by the Burgeffes in remonstrance of the confidence that they have in the said comm'rs. that the present election of all officers not already constituted be referred to the said Governor and commissiioners and that this their election be not precedental to any succeeding Asssembly.

May

May 6th, 1652.

WHETHER the Governour and Council shall be members of this Assembly or no: Generally voted they shall be, taking the oath the Burgeffes take.

[From the *Virginia Magazine of History and Biography*, VIII, 386, 387.]

THE humble petition of *John Carter* Sheweth That whereas y^r petitioner hath been hindred from the feating of a dividnt of Land in *Rappahannock* River (even untill the pattent is almost void for not feating it.) By an order Extra-judically granted ag^t y^r Petitioner: And whereas y^r petitioner through great losse by fire is also now disabled to feate the said land so suddently as the first of *September*, at which time the pattent is void, the land not being feated, & the Indians also being difficultly removed in soe short a space. Yo'r petitioner therefore humbly defireth that the said pattent be not void for not feating the said Land untill two years after *Christmas* next, in which time the Indians may remove. Yo'r petitioner paying unto them as great satisfaction as they received of others for such a proportion of land. And so shall yor. Petitioner pray.

This petition is granted—*May* ye 6, 1652.

Jno. Corker, Cl. Dom. Com.

[Resolutions of the Grand Assembly beginning the 25th of *November*, 1652.]

THE voats of the whole Assembly in the busines follow:

It is ordered by the authoritie aforesaid, That the south side of *Ocquhanocke* Creeke in the county of *Northampton* and so vpwards be a peculiar parish and called by the name of *Ocquhanocke* Parish.

It is ordered that M^r *George Fletcher* shall have to himself, his heirs, ex'rs. and adm'rs. liberty to distill and brew in wooden vessels which none have experience in but himself for 14 years, and it is further ordered that no person or persons whatsoever shall make use thereof within this collony without agreeing with the said M^r *Fletcher* under the penalty of 100 pounds *sterl.*

Wee find M^r *John Hammod* returned a Burgesse for the lower parish of the *Isle of Wight*, to be notoriously knowne a scandalous person, and a frequent disturber of the peace of the country, by libell and other illegall practices, and conceive it fitt he be expelled the house, and that a warrant issue to the sherriffe of the said county, for the election of another Burgesse in his roome.

Wee conceive it fitt, that M^r *James Pyland*, returned Burgesse for the vpper parish of the *Isle of Wight*, be removed out of the house, And that he stand committed to answer such things as shall be objected against him, as an abettor of M^r *Thomas Woodward* in his mutinous and rebellious declaration, And concerning his the said M^r *Pyland* blasphemous catechisme.

It is ordered by the Grand Assembly, that the plantation of M^r *Thomas Stagg* situate on the *Old man's* Creek shall be within the bounds of *Westover* parish and pay all duties there that are now due and *de futuro*.

Whereas *Chr: Boyse* by appeale from the Governour and Councill the last court impleaded Coll. *Hugh Gwinne* before this Grand Assembly about certain land in *Pyan-catank* River, The Assembly vpon perusal of their severall pattents and grants, doe finde prioritie of title for the said *Gwinne*, according to former orders in the government of S^r *William Berkeley*, Knt. and the last quarter court, And the plt. & defendant to beare their owne charges.

In the difference between M^r *Peter Ranson*, plt. and *John Hewett* and *Wm. Holder*, defend'ts. *It is ordered by this Grand Assembly* that M^r *Peter Ranson's* pattent shall stand good for 1100 acres of land in *Mock-Jack* bay, And that *Hewett* and *Holder* be outed and decline the possession till it be made appeare void by some that shall make better right appeare, It now appearing that none pretending to it in the right of *Dawber* have power to question his title; 100 lb. of tob'o. being allowed him for costs from each of them (*vizt.*) 100 lb. of tobacco from *Holder*, and 100 lb. of tobacco from *Hewett*, *alias* execution.

It is ordered by the Grand Assembly, that M^r *Peter Ranson* shall have and enjoy 1100 acres of Land in *Mock-Jacks* bay of the *North* River of *Mock-Jacks* bay on the easterne side thereof, and the other 500 acres being granted to M^r *Wm. Whitby* being the first grantees by this Assembly.

It is ordered by the Assembly that all those that are in actual possession of the 2400 acres of the land claymed by *Edmund Dawber* shall not be dispossessed of the land they so hold by any, except by the said *Dawber* if he proove his title to bee justest the said 2400 acres being granted to M^r *William Daymes*, if M^r *Dawber* enjoy it not.

It is ordered by the Affembly, That the inhabitants of *Appamattock* River fhall have power to keep courts according to the fence of the Act of Affembly for courts in the like nature, to hear and determine all differences within the faid parifh, which faid court is to be kept by the commiffioners refideing in the faid parifh of *Briftoll*, and they to take place refpectively as by act of Affembly they are nominated; appeals lying from this court to either *Henrico* county or *Charles Citty* county court, as alfo to have power to treat with the Indians according to act.

It is ordered with the vnanimous opinion of this houfe, That the Governour and councill fhall appoint commiffioners in each county refpectively vpon the recommendation of the perfons from the commiffioners of the feverall county courts, as they fee caufe to allow fuch recommendations.

It is ordered by the Grand Affembly, That the comiffioners of the feverall counties refpectively have power to examine the lifts of the tythables of the faid countyes, and where they find them not to be fully taken, to lay a fine vpon the fheriff or them that took the lifts, as they fhall think fitt, and fuch further punifhment as by the Affembly is provided.

Whereas an act was made in the Affembly, 1642, ffor Encouragement of difcoveries to the weftward and fouthward of this country, granting them all profitts arifing thereby for 14 years, which act is fince difcontinued and made void; *It is by this Affembly ordered,* That Coll. *Wm. Clayborne*, Efq. & Capt. *Henry Fleet*, they and their affociats with them either joyntly or feverally, May difcover and fhall enjoy fuch benefitts, profitts, and trades, for 14 years as they fhall find out in places where no *Englifh* ever have bin and difcovered, nor have had perticular trade, and to take vp fuch lands by pattents proveing their rights as they fhall think good: Neverthelefs not excluding others after their choice from takeing vp lands, and planting in thefe new difcovered places, as in *Virginia* is now vfed.

The like order is granted to Major *Abra. Wood* and his affociates.

[Some of the Proceedings of the 1653 session.]

Gentlemen,

NOT to intrench vpon the right of Affsemblies in the free choice of a fpeaker, nor to vndervalue Left. Coll. *Chiles*, but onely by way of advice, It is my opinion, the Council likewise concerning [concurring] therein, That it is not fo proper nor fo convenient att this time to make choice of him for that there is something to be agitated in this Affsembly concerning a fhipp lately arrived, in which Left. Coll. *Chiles* hath some intereft, for which and some other reafons we conceive it better at prefent to make choice of fome other perfon amongft you whom you fhall agree vpon.

Your reall fervant

Rich. Bennett.

July the 5th, 1653.

Vera copia,

John Corker, Cl. to the Burgefles.

The oath adminiftred to the Burgefles for this prefent Affsembly.

You fhall fwear to act as a Burgefle for the place you ferve for in this Affsembly, with the beft of your judgment and advice, for the generall good, not mingling with it any perticular or private intereft.

This oath was taken by the Burgefles in the prefence of Coll. *Thomas Pettus* and Coll. *Humphrey Higgifon*, this 5th July, 1653.

Teftes

Robert Huberd, Cl. *Confilii*.

It is ordered, that Lev'tt. Coll. *Edward Major*, Lev't. Coll. *Geo. ffletcher*, M^r *William Hockaday* and M^r *William Whitby*, attend the Governor and Council, to request of them their reafons, wherefore they cannot joyne with vs the Burgefles in the bufines of this Affsembly, about the election of Lev't. Coll. *Walter Chiles* for Speaker of this Affsembly.

Lev't. Coll. *Walter Chiles* haveing by plurality of votes been chofen Speaker of this Affsembly: And this day representing to the houfe his extraordinarie occasions in regard of the difpatch of fome fhipping now in the country in which he is much interefted and concerned, The houfe vpon his defire have given him leave to follow his private affairs notwithstanding the election aforefaid.

It is ordered by this prefent Grand Affsembly, That M^r *Robert Bracewell*, Clarke, be fufpended, and is not in a capacitie of ferving as a Burgefle, fince it is vnpreffidentiall, and may produce bad confequence.

[From the *Virginia Magazine of Hiftory and Biography*, XVII, 121-127.]

ACHARGE * * * againft Captain *Abraham Read* [words illegible]. Since his laft Arrival in *Virginia* hath behaved himfelf Contemptuously to the difturbance of the peace of the Governor and Government of this Colony fettled by Authority of Parliament.

That the faid *Read* faid that he could and would by his own Commiffion command Lieut. Coll. *Cornelius Loyd* and not only him but his General meaning the Governor who is ftiled Captain General of *Virginia*.

That

That the said *Abraham Read* taxed the Governor that he had done so much [words illegible] the *Spanifh Flemmings* meaning the two Ships lately arrived from *Dunkirk Oftend* and that he would be called home into *England* and there they would deal well enough with him.

That the said *Abraham Read* contemptuously vaunted that if he had been below he would have shot too against the Ship wherein the Governor was as the other three Ships did and would have funk her for wearing the *Spanifh* Colours in the main top notwithstanding the Governor's being there or else she should have funk him.

That the said *Read* falsely and injuriously taxed the Government with supplying the Utter Enemies of the Commonwealth of *England* and that he could make it Appear with many other Agitations to that purpose.

That the said *Read* said that if he had been below he would have disobeyed the Governor's Warrant as he heard Captain *Pott* had done.

That the said *Read* hath injuriously utter'd in Discourse that no foreigners ought to have trade in *Virginia* Which [illegible] is Contrary to Act of Parliament for the Increase of Navigation and the Articles granted upon the Surrender of this Colony to the Obedience of the Parliament.

That the said *Read* being told that the Captain & Merchant of the *Dunkirk* Ship had carried their Commissions and Cocquets to the Governor Said what have they to do to carry them to the Governor they should have brought them unto us Captain *Gunnell* being then in Company and saying the Same.

That Charge and everything therein contained according to the several Articles is acknowledged by me *Abraham Read* to be true and Just. I confessing myself guilty of them Do humbly refer myself to the merciful censure of this Assembly.

Abraham Read.

This Acknowledgment made in Open Assembly this 7th July, 1653.

Whereas Captain *Abraham Read* has since his last arrival in this Colony behaved himself very Contemptuously to the Disturbance of the peace of the Government and Governor of this Colony Settled by Authority of Parliament and being brought to answer his Charge read unto him having Confessed himself Guilty in every particular and acknowledged under his hand. *It is therefore Ordered* that the said Captain *Abraham Read* Do forthwith pay as a fine for his Contempt and misdemeanor ten thousand pounds of Tobacco and cask and put in good Security for his good Behaviour in this Colony and untill the performance of this Order to stand Committed to the Sheriff of *James City* County.

To the Honourable Governor, Council and Burgeffes Affembled, &c. *Abraham Read* humbly presenteth.

That Whereas the petitioner was imprisoned and fined for some Offences, by your Honour and Worships which he hath Already Ingenuously acknowledged before you & to the perpetrating whereof he was only moved with the Languages of others and not with the least thoughts of Malignity intents in himself.

Wherefore having heretofore humbly acknowledged Submitted and desired Your Honour and Worships free. He Yet humbly reimplores your Clear Considerations of the great Meekness of Humanity how that Passion is or Man be Stirred up which your petitioner is now sorry for and that your honours and Worships would also be pleased to look upon more Clemency the Rigour in regard to the Petitioner and his Wife and Children are now fitter Objects of Pity than Punishment and be pleased to remit the fine imposed on the Petitioner.

And he shall pray &c.

To the Right Honourable *Richard Bennett* Esq'r Governor and Captain General with the Honourable Council of State.

The Humble petition of *Edward Gunnell* Presenteth—

That Whereas your Honours have been informed that Something hath been said and Acted by your humble Petitioner that hath been taken as high Disobedience to the just

juft power of this Government and whereas your Honours have been graciously pleafed to afford your petitioner both Means and time to anfwer the faid Delinquents he now prefenteth his humble Adreffes to your Honor's feet, publicly declaring that whatfoever hath been faid or Done in Offence to your Honours of the Government here Eftablifhed your Petitioner confeffeth himfelf to be heartily and penitently Sorry for and doth in all humility crave your Honour's Pardon Your Petitioner faithfully promifing and obliging himfelf never hereafter to Abuse nor Offend any perfon from the higheft to the loweft within this Government.

He therefore craveth in your Chriftian and Gracious Mercies that he may be releafed from the aforefaid Charge and he fhall ever pray &c.

Edw'd Gunnell.

The Depofition of *Samuel Taylor*, aged 38 Years or thereabouts Examined and Sworn. Saith—

That this Deponent by Warrant Arrefting Captain *Thomas Wilfon* Captain *Hugh Wilfon* and Captain *John Pegro* to anfwer to fuch Objections as fhould be asked againft them before the Governor and Council which power they rejected deriding it with Laughter and Scorn Saying who could fetch them out of their Ships Whereupon this Deponent demanded of the faid Parties being Mafters of Ships the Caftle duties they anfwered they would not pay any for they knew not any that had Power to demand it for they had orders from their owners to the Contrary.

Samuel Taylor.

Juratus in Curia, 10th July, 1653.

Teft: John Corker,

Clerk to the Burgefles.

July 12, 1653. By the Unanimous Opinion of the Houfe of Affembly. *It is ordered* that *John Baldwin* fhall have and keep his place.

John Corker,

Clerk to the Burgefles.

13, July, 1653.

Coll. *Francis Yeardley* this day entered his Caveat of Information againft *David Cardoon* according to the Act of Coll. *William Clayborn* Efq'r hath fhewed President.

Francis Yardley.

[Public Levy, 1653.]

Northampton County—

| | |
|--|--------|
| 500 Tithables at 22 lb. p poll, | 11,200 |
| To 100 lb. of Powder at 12 lb., | 1,200 |
| To 245 of Shot at 2, | 490 |
| | <hr/> |
| | 12,890 |

| | |
|--|--------|
| To pay to M ^r <i>Patten</i> , dance, &c., | 00,368 |
| To M ^r <i>John Batt</i> , | 01,000 |
| To Captain <i>John Weft</i> , | 10,000 |
| To M ^r <i>John Corker</i> , | 01,043 |
| To Sallary, | 01,379 |
| | <hr/> |
| | 13,790 |

Charles City County—

| | |
|--------------------------------------|--------|
| 532 Tithables at 22 p poll, | 11,704 |
| To 50 lb. of Powder at 12 lb., | 00,600 |
| To 100 lb. of Shot at 2, | 00,200 |
| | <hr/> |
| | 12,504 |

| | |
|---|--------|
| To pay to <i>Howel Price</i> , Clerk, | 00,876 |
| To the Honourable Sir <i>Wm.</i> <i>Berkeley</i> , Kn't, | 10,358 |
| To Sallary, | 01,248 |
| | <hr/> |
| | 12,482 |

Elizabeth

Elizabeth City County—

| | |
|--------------------------------------|--------|
| 395 Tithables at 22 p poll, | 08,690 |
| To 100 lb. Powder at 12 lb., | 01,200 |
| To 170 lb. of Shot at 2 lb., | 340 |
| | <hr/> |

10,230

| | |
|----------------------------------|--------|
| To pay Sir <i>Wm. Berkeley</i> , | |
| Knight, | 09,207 |
| To Sallary, | 01,023 |
| | <hr/> |

10,230

Isle of Wight County—

| | |
|--------------------------------------|--------|
| 673 Tithables at 22 p poll, | 14,806 |
| To 100 lb. of Powder at 12 lb., | 01,200 |
| To 270 lb. of Shott at 2 lb., | 540 |
| | <hr/> |

16,546

| | |
|-------------------------------|--------|
| To pay to Coll. <i>Sam'l.</i> | |
| <i>Mathews</i> , | 14,891 |
| To Sallary, | 01,655 |
| | <hr/> |

16,546

Gloster County—

| | |
|--------------------------------------|--------|
| 367 Tithables at 22 p poll, | 08,074 |
| To 100 lb. of Powder at 12 lb., | 01,200 |
| To 200 lb. of Shott at 2 lb., | 00,400 |
| | <hr/> |

09,674

| | |
|--|--------|
| To pay Lieut. Coll. <i>John Walker</i> , | |
| Affign of <i>Christopher Boyce</i> , | 00,200 |
| To Lieut. Coll. <i>Sam'l.</i> | |

| | |
|------------------|--------|
| <i>Mathews</i> , | 08,503 |
| To Sallary, | 00,967 |
| | <hr/> |

09,670

Surry County—

| | |
|--|--------|
| 518 Tithables at 22 lb. p poll, | 11,396 |
| To 100 lb. Powder at 12 lb., | 01,200 |
| | <hr/> |

12,596

| | |
|--|--------|
| To pay <i>John Phip</i> | |
| & <i>Will Harris</i> , | 09,000 |
| To M ^r <i>John Corker</i> , | 02,336 |
| To Sallary, | 01,260 |
| | <hr/> |

12,596

Northumberland County—

| | |
|---------------------------------|--------|
| 450 at 22 lb. p poll, | 09,900 |
| To 100 lb. of Powder at 12 lb., | 01,200 |
| To 150 lb. Shot at 2 lb., | 00,300 |
| | <hr/> |

11,400

| | |
|---------------------------------|--------|
| To pay to Coll. <i>Sam'l.</i> | |
| <i>Mathews</i> in full for his | |
| Sum of 71,280 lb. To- | |
| bacco, | 03,451 |
| To <i>Hopkin Powel</i> , | 00,377 |
| To <i>Christopher Boyce</i> , | 03,800 |
| To Coll. <i>Wm. Clayborn</i> , | 02,500 |
| To M ^r <i>Hope</i> , | 00,132 |
| To Sallary, | 01,110 |
| | <hr/> |

11,370

[From *Hening's Statutes at Large*, I, 380-385.]

WHEREAS the paper subscribed by name of the inhabitants of *Northampton* countie is scandalous and seditious and hath caused much disturbance in the peace and government of that county, *It is therefore ordered* by this present Grand Affembly, That all the subscribers of the said paper bee disabled from bearing any office in this countrey, and that Leift. *Edmund Scarbrough* who hath been an assistant and instrument concerning the subscribing of the same bee also disabled from bearing any office vntill he hath answered therevnto, and the honourable Governour & Secretarie be intreated to go over to *Accomack* with such assistants as the house shall think fitt, for the settlement of the peace of that countie, and punishinge delinquents. [This order reversed by an order of Affembly, 26th *March*, 1658.]

The order of the last Affembly in the busines relateing to land in *York River* desired by *Tottopotomoy*, as information by some perticular members of this Affembly is now represented, is ordered to be and remaine in force as formerly, Provided he lives on the same; but if he leaves it then to devolve to Coll. *William Clayborne*, according to former orders which gave him libertie to make his choice, whether he would have *Ramomak*, or the land where now he is seated, and that he appear in person before the Governor and Council to make his choice the next quarter courte which of the two feates he will hold, and Capt. *John West*, and M^r *William Hockaday* are enabled to give a safe conduct to the said *Tottopotomoy* and his Indians for their coming to towne and his returne home, And the commiffioners of *York* are required that such persons as are seated vpon the land of *Pamunkey* or *Chickahominy* Indians be removed according to a late act of Affembly made to that purpose, And Coll. *John Fludd* to go to *Tottopotomoy* to examine the proceedings of busines and to deliver it vpon his oath.

Vpon the petition of *Roger Green*, clarke, on the behalfe of himselfe, and inhabitants of *Nansmund* river, *It is ordered by this present Grand Affembly* that tenn thousand acres of land be granted vnto one hundred such persons who shall first seate on *Moratuck* or *Roanoake* river and the land lying vpon the fourth side of *Choan* river and the branches thereof, *Provided* that such seaters settle advantageously for security, and be sufficiently furnished with amunition and strength, *And it is further ordered by the authority aforesaid*, That there be granted to the said *Roger Green*, the rights of one thousand acres of land, and choice to take the same where it shall seem most convenient to him, next to those persons who have had a former grant in reward of his charge, hazard and trouble of first discoverie, and encouragement of others for seating those southern parts of *Virginia*.

Whereas diverse gentlemen have a voluntarie desire to discover the Mountains and supplicated for lycence to this Affembly, *It is ordered by this Affembly*, That order be granted vnto any for soe doing, *Provided* they go with a considerable partie and strength both of men and amunition.

It is ordered by this present Grand Affembly that the bounds of the county of *Westmorland* be as followeth (*vizt.*) ffrom *Machoaçtoke* river where M^r *Cole* lives: And fo vppwards to the falls of the great river of *Pawtomake* above the *Necoçtins* towne.

Vpon the humble petition of *John Claxsonn* an old *Virginian*, and the testimony of the commiffioners of the countie of *Yorke* where hee lived of the great los he sustained by ffire to his vtter vndoeing, not able to maintain himselfe and five children, The Grand Affembly duely weighing his distressed estate hath granted him the said *Claxsonn*, an order as a brieve to gather the charitable benevolence of well disposed persons. The like also is granted vnto *Thomas Bagwell* of the *Isle of Wight* county and to *Richard New* of *James Cittie* county.

It is ordered by this Grand Affembly that the comiffioners of *Gloster* and *Lancaster* countys are strictly required forthwith to proportion the Indians inhabiting in the said counties their severall tracts of land according to an act of the last Affembly in that case made, and to sett and assigne them such places and bounds to hunt in as may be convenient, both for the inhabitants and the Indians, whereby the severall stocks of the *Englilh* may be preserved.

An act of indemnitie is granted for all such as have lent gunns to the Indians, and if any person shall hereafter offend and justly proved against him, he or they so offending shall suffer severly according to act in that case provided, other counties to have the same priviledge.

It is ordered by this present Grand Assembly that the castle duties shall be recovered by any refractory person's denying the payment thereof as hath formerly bin accustomed by way of action in any courte or attachment of their goods and estates to that value.

It is ordered by this present Grand Assembly upon the petition of *Paulus Macshouck*, fervant to *Abraham Van Susteren*, merchant of *Dunkirk*, that part of the goods forfeited belonging to his said master is remitted.

Upon the petition of *Leicut. Coll. Walter Chiles*, *It is ordered by this present Grand Assembly* that the ship *Leopaldus* now adjudged forfeited and consigned unto him that he the said *Chiles* should have the said ship according as she hath been appraised being £400 *ferling*.¹

Upon petition of the comm'rs. of the *Isle of Wight* county concerning the recovery of diverse arrears of country and county levies yet unsatisfied since 1644 and the lifts not recorded through the delinquency of the Clk. of that county, *It is ordered by this present Grand Assembly* that such persons as have been sheriffs or collectors of the said levies since 1644 and are now living forthwith bring in their sev'll. lifts and accounts respectively unto the said county court, and that such persons as have been delinquent in paying the said arrears or detaining of them in their hands be responsible for the same and upon default or denial to be recovered by distrefs and the parties that have paid the same be discharged from further molestation. And as for those sheriffs or collectors that are dead their estates are to be responsible for what shall appear due from them under their hands.

It is ordered that *Nath. Battson* stand committed into the custody of the sheriff of *James City* until he hath satisfied *Dep: Webster* eight beaver skins and an otter skin for a gun which he bought aboard the ship *Duke Byren*.

According to an order of this Assembly, upon the petition of *Coll. Nathaniel Littleton*, *Coll. Argoll Yarley*, *Major William Andrews*, and some other commissioners of *Northampton* county, *Master Speaker*, *Left. Coll. Edward Major*, *Left. Coll. Geo. Fletcher*, *Coll. Thomas Dew* and *Left. Coll. Rob't Pitt* are nominated as assistants to attend the Governour and Secretarie for the settlement of the peace of that county, and the punishment of delinquents there according to their demerits, the appointment of all officers both for peace and warr, the division of that county, and the hearing and determining of the business of damages between *Capt. Daniel How* and *Left. Coll. Edm'd. Scarbrough*, As also between *Capt. John Jacob* and the said *Edmund Scarbrough*, with all other matters and things necessary and incident for the preservation of the peace of that place, for which this shall be their commission, The charges which the said commissioners shall be at, both in going staying there & returning, to be levied upon those persons that occasioned their repair thither.

Whereas *Sr William Berkeley*, Kn't. upon the deliverie vp of the countrey to the government of the Comon-Wealth of *England*, had granted unto him by articles, that he should have a shipp to transport him to *England* or *Holland*, and whereas the present warr with the *Vnited Provinces* hath hindred the confirmation of the said articles in *England*, or the coming of a shipp out of *Holland*: And the said *Sr William Berkeley* desiring longer time (*vizt.*) eight monthes from the date hereof to procure the said shipp out of *flanders* in respect of the warrs with *Holland*, and that she may be custom free for such tobacco as he shall lade in her; After debate thereof in the Assembly, *It is condescended* that his said request shall be granted, and he may accordingly within eight months procure a shipp out of *flanders* for the purpose in his said articles expressed.

Whereas the ship *Leopoldus* of *Dunkirk*, for the importation of prohibited goods contrary to the act of Parliament, for the encrease of navigation, has been adjudged forfeited

¹For bill of sale, see the Appendix to this volume.

forfeited, with her tackle, apparel, and furniture to this country, for the use of the Comon-Wealth of *England*, and appraised at four hundred pounds *sterling*, This Assembly upon consideration thereof had her disposed of the same as followeth, (*vizt.*) two hundred and fifty pounds to our agent Coll. *Sam. Mathews* and one hundred pounds to Coll. *William Clayborne*, *fec.* thirty pounds to the speaker, ten pounds to Coll. *Cornelius Loyd*, and ten pounds to Major *Billingsley* for their severall services done to the country in the said business.

It is ordered by this present Grand Assembly that Nathaniel Battson for many misdemeanors & a common defame apparently true shall receive forthwith fifteen stripes on the bear back and for ever hereafter not to go or trade amongst the Indians and in case of default to receive further punishment by whipping and perpetuall banishment.

Rich'd Bennett.

Wm. Whittbey, Speaker

[Some of the Proceedings of the 1654 Session.]

WHEREAS Coll. *Edward Hill* vnanimously chofen speaker of this houfe was afterwards maliciously reported by *William Hatcher* to be an atheift and blasphemmer according to an information exhibitted againft him the laft quarter court, from which the honourable Governour and Council then cleered the faid Coll. *Edward Hill* and now certified the fame vnto the houfe: And for asmuch as the faid *Wm. Hatcher*, notwithstanding he had notice given him of the Governour and Councils pleafure therein and of the faid Coll. *Hill's* being cleered as afforefaid, hath alfo reported, That the mouth of this houfe was a Devil, nominateing and meaning thereby the faid Right Worp'll. Coll. *Edward Hill*, *It is therefore ordered by this houfe*, that the faid *William Hatcher*, vpon his knees, make an humble acknowledgement of his offence vnto the faid Coll. *Edward Hill* and Burgefles of this Affembly; which accordingly was performed and then he the faid *Hatcher* difmift paying his fees.

It is ordered by the Affembly that the comiffioners of the militia and the comiffioners of the refpective counties fhall at the next felfions of this Affembly in *March* give in an account of the 6 lb. of tobacco per pole lately levied for powder and fhott for the vfe of each county, and what other powder and fhott fhall be in their cuftody belonging to the county.

It is ordered that the vpper part of *Yorke* county fhall be a diftinct county called *New Kent*, from the weft fide of *Scimino* creeke to the heads of *Pomunkey* and *Mattaponie* river, and downe to the head of the weft fide of *Poropotanke* Creeke.

From the head of the north fide of *Queen's* creeke as high as to the head of *Scimino* creeke is made a diftinct parifh named *Marfton* ordered by this Grand Affembly.

Whereas certaine arrears by overchargeing of tithable perfons in fome counties are now in queftion, *It is ordered* that fuch errors as are alledged to be comitted fhall be certified vnder the com'rs. hands att the Affembly in *March* next, and for the future that all lifts fhall be taken and certified vnder the hands of the com'rs. and not otherwife, and fo prefented to the Affembly.

It is ordered by this Grand Affembly in the difference between *Ma' George Fawden* & *Capt. George Hardy* that the 3 grants of *Ma' Fawdens* (the 'firft Cont^s 2400 acres upon the *Mayne* River, the 2nd Cont. 1050 acres dat: *Sept.* 15, A^o 1636; the third Cont. 850 acres dat: *Oct.* 4, 1639) fhall have (as of right formerly they had) priority of *Capt. Hardyes* pattent & that it be referred to an able jury to be impannelled upon oath by the fheriff of the *Ifle* of *Wight* County, with a furveyor to lay out the faid pattents according to thefe bounds upon the place & the fheriff to give poffeffion according to their Verdict, and Convenient Time to be appointed by the Sheriffe.

It is ordered that *Ma' Thomas Cely* fhall continue his poffeffion in the land in difference between him & *John Slater*, who claymeth by a pattent dated *Anno.* 1653, which was obtained contrary to an aet made in A^o 1652, & y^t 800 lbs. of tobacco Cofts be allowed the faid *Cely*.

It is ordered that the Salarye appointed for agency, is by ye feverall Sheriffs & Collectors refpectively to be paid to Leu^{tt} Coll^o *Samuell Mathewes* or his affignes.

The names of the Committee for the above written private Caufes are as followeth:
Coll. *Tho. Dew*, Lef^t Coll. *Robert Pitt*, M^r *Wm. Whittbye*, Ma^r *Peter Walker*, M^r *Samuel Stoughton*, M^r *William Whitaker*, M^r *Henry Soane*, Ma^r *Abra. Wood*, Ma^r *Worliech*.—November 29, 1654.

Coll. *William Clayborne*, Coll. *William Taylor*, *Edward Diggs*, Esq^r, were added to the Committee.

The Governour and Council have thought good to call M^r *Edward Diggs*, Esq. to be one of the Councill, if the Asssembly shall like thereof, and signifie their approbation and concurrence therein, *Novem. 22, 1654.*

Richard Bennett.

It is vnanimously consented vnto, he haveing given a signal testimony of his fidelity to this collony and Common-Wealth of *England.*

Cha. Norwood, Cler. Asssem.

Orders of Asssembly

Concerning the March against the *Rappa'*. Indians.

Whereas divers complaints have bin made by the inhabitants of the counties of *Lancaster*, *Northumberland* and *Westmoreland* concerning divers injuries and insolencies offered and done by the *Rappahannock* Indians, vnto them the said inhabitants, and have refused to give satisfaction though often demanded by the commissioners of the said countyes, which gives just occasions of jealousies and fears of an intended warr: *It is therefore ordered* by this present Grand Asssembly, that the said counties bee associated and joyned together in and concerning the affaires of their neighbouring Indians, and that for this present expedition there be raised in the county of *Lancaster* one hundred men sufficiently furnished with armes, amunition and provions, with boates and other necessaries for their voyage to the said *Rappahannock* townes, likewise the county of *Northumberland* 40 men qualified as aforesaid, Also in the county of *Westmerland* thirty men qualified as aforesaid, and that the said men be raised and pressed in such manner as the first man in commision in each county with the assistance of the commissioners of the respective countyes direct and think fitt for the most easie accomplishment of this imployment, and that the nomination of the leaders of the said men in the counties of *Northumberland* and *Westmerland* be att the appointment of their severall courts respectively, all which said men so raised and pressed in the said three counties are hereby required to repaire on the first *Wednesday* in *February* next to the house of *Thoms Meades* in *Rappahannock* river which is thought the most convenient place of generall rendizvouz, and from thence Ma'r. *John Carter* who is hereby appointed commander in cheife is hereby required and authorized to march with all the aforesaid men to the aforesaid Indian towne and demand and receive such satisfaction as he shall thinke fitt for the severall injuries done vnto the said inhabitants not vsing any acts of hostility but defensive in case of assault, *And it is further ordered* that the said Major *John Carter* give account of his proceedings vnto the hono'ble the Governour who is hereby authorized with the advice of his council to determine of peace or warr in this and all other emergent occasions concerning the said Indians. *And it is further ordered*, That Capt. *Henry Fleet* and *David Wheatliff* attend the said service as interpreters, the charge of the service aforesaid to [be] born by the three countyes above specified.

[From *Hening's Statutes at Large*, I, 392, 393.]

THIS Asssembly is adjourned till the twentieth day of *March* at *James Cittie*, the quarter court is also adjourned till the twentieth of *March*.

Rich: Bennett.

Vera Copia,

Charles Norwood, Clk. Asssem.

Edward Hill, Speaker.

The sum of one hundred thousand pounds of tobacco is assigned to the Governour by this Asssembly, in consideration of his expences, charge and pains in the government of this collony, arising out of the *Dutch* prizes and confiscation of forrain goods and ships, as by the accounts in the Asssembly appears.

Charles Norwood, Cl. Afs.

[From the *Virginia Magazine of History and Biography*, XVII, 127.]

THE Publick Levy for this Asssembly [*November, 1654*] laid as followeth:
Westmoreland Dr. 170 Tithables at 2 p poll is 4,420.

[Some of the Proceedings of the 1654/55 Session.]

March 24, 1655.

THIS day ye Committee for private Causes was appointed as followeth:
Coll^o *Scarborough*, Chaireman, Coll. *John Sidney*, Lieu^t Coll^o *Whittaker*,
Major *John Bond*, M^r *Tho. Lyggon*, M^r *Holmewood*, M^r *Anthony Wyatt*,
Leif^t Collo. *Reade*, M^r *George Lobb*, M^r *Thomas Davis*, M^r *Theophilus Hone*,
M^r *William Thomas*—added of the Council, Coll^o *Tho. Pettus*, Collo. *Dew*.

Forasmuch as the security of this Countrey is intrusted into ye hands of the Commissioners of the militia for the respective Countyes by vertue of severall orders of Affsembly in that behalfe made & p^rvided, *It is therefore ordered* that the Commissioners of the said Militia for ye Counties aforefaid make diligent search & inquiry of what Ammunition is wanting in their p^rticular Counties & where defects in that case shall be found, the said defects to be supplied at the publique charge of ye County & ye said Commissioners to give account thereof to the Affsembly.

It is ordered that the bounds of *Jordan's* bounds begin upon *Bristol*, and so extend downward to *Buckar's* Creek.

It is ordered that Capt. *John West* be paid his fallary (*vizt*) 10,000 lbs. Tobacco Constantly in *York* River.

Ordered, That from *Poropotank* to *Mattapony* v^pward (*vizt*) on the north side of *Yorke* river be a distinct parish by the name of *Stratton Major*.

Ordered, That no surveyor or surveyors be elected but such as are chosen by the commissioners of such counties where such occasion shall be offered, and those so chosen to be recommended to the said com^rs. by persons well experienced in the faculty, and such as at the present are not sufficiently qualified for the purpose aforefaid to be devested of such employment or employments and the commissioners to judge and determine of their qualifications after such cognizance given as aforefaid.

March 17, 1655.—This day M^r *John Page* was admitted unto ye house of Burgeffes.

March 19, 1655.—This day Coll^o *John Flood* was admitted into the house.

This day the Committee for the Leavie was appointed as followeth:

Major *Robert Holt*, Chairman, M^r *Joseph Croshaw*, M^r *Wright*, M^r *Nich. Smith*,
Capt. *Blake*, Cap^t *Ralph Langley*, M^r *Robert Ellyson*.

March 20, 1655.—This day ye Committee concerning ye act for Marketts was appointed & Leif^t Coll. *Walker*, Capt. *Fra. Willis*, Lt. Coll. *Wood*, Capt. *Lluellen*.

Vpon the petition of Dr. *Gyles Moody* & *John Mitchell* & other strangers—Inhabitants of this Country, *It is ordered* that the aforefaid persons be made denisons to purchase & hold any lands & Priviledges here (offices & publick employment excepted) *Provided* that Capt. *Nic^o Martn* enioy & hold all offices and employments he having obtained his Denizacon in *England*, *Nevertheles* all Children of such strangers within Limited or any other shall vpon fuite by them made Obtaine Denizacon.²

Vpon

¹ The proceedings which follow are printed in the order in which they appear in the manuscript volume in the Library of Congress used by *Hening* as the source of his text and by the editor of the *Virginia Magazine of History and Biography* in supplying most of the items omitted by *Hening*. Such of the items as were not thus supplied are here given; so that the proceedings are now complete—so far as they have been handed down. A close comparison of the original manuscript volume with the printed items in the *Statutes at Large* and the *Virginia Magazine of History and Biography* shows that the latter are essentially accurate, only a slight modernization in the use of capitals and of the apostrophe and in the avoidance of contractions being noticed. The form of the several items as given in the two printed books has been followed in this volume.

² This paragraph appears neither in the *Statutes at Large* nor in the *Virginia Magazine of History & Biography*.

Vpon the petition of the *Ile of Wight* Burgeffes in behalfe of the inhabitants of that county, *it is ordered*, That 3 of the comifs'rs. of each county, (that is to say) of *Nanzemund* and the *Ile of Wight* county shall meet att a fett time before the next Affembly to lay out the bounds of each county, and in case of difference to render account thereof to the next Affembly that it might be determined.

Ordered that Collo. *Francis Morrison* take affurance of S^r *Wm. Berkeley*, Knt., of the middle brick house in *James Citty* bought of him the said S^r *Will^m Berkeley*, as also that he give M^r *Tho. Woodhouse* Livery & Seizen of the late State house.

In the case of *John Bromfeild*, plt. and widdow *Crumpe* defendant, It being found that the will of *Richard Buck*, from whence the land descends to the orphant, there does not appeare any estate past to *Bridget Bromfeild*, late wife of *John Burrowes* otherwise then for terme of life onely: there being not mention in the said will of heires, assignes for ever, nor in fee simple, &c. Likewise it being found, that this very case in *November 29, 1642*, was adjudged by the Governour and Council to be but an estate for tearme of life and soe thrice voted in this Grand Affembly: Likewise it being further found that there were 5 other guardians of the said *Buck's* children by the said will and that they never claimed an estate in fee simple but onely for tearme of life: *It is therefore ordered* that the said *Elizabeth Crumpe* continue her possession without any further molestation in the premiffes, it being voted and concluded as aforefaid.

In the difference between Capt. *Streeter*, who married Mrs. *Burbage*, the relict of Capt. *Thomas Burbage*, *It is ordered*, That the plantation of the said *Burbage* att *Nanfemund* be equally devided in quantity and quality both land and houseing, and all other lands of the said *Burbage* be divided according to quantity and quality as aforefaid into thirds by a jury vpon the place: of both which being soe devided the said *Streeter's* wife is to chuse which halfe of the plantation att *Nanfemund* and which thirds of the other land she pleafeth to enjoy; the same only for her life: And *Wm. Burbage* to take the remainder as heire att lawe, the charges of those divisions to be bearen according to each others proportions.

In the difference between *Carbery Kyggan* and *Wm. Norwood*, *It is ordered*, That *Kyggan* pay the charge of the jury and what was incident therevnto: but that *Norwood* satisfie the said *Kyggan* 700 lb. of tobacco for damages the said *Kyggan* susteined in the house, orchard and the fence belonging to the corne feild, and that each partye since the said jury bear their own charges, And that *Norwood* deliver vp *Kyggan's* bill, it appearing already satisfied, and make a firme conveyance of the land bought of him by *Kyggan* to his heires and assignes for ever.

Ordered that M^r *Henry Hendrick* be acquitted from ye payment of 900 lbs. of tobo. demanded by M^r *Thomas Ballard* the Collector for the County of *Yorke*.¹

Whereas Leift. Coll. *Tho. Swann* at a feffions holden by commiffion from the Governour the second day of *July* last, in *Surry* County, accused & impeached for the death of his fervant one *Elizabeth Buck*, The fact found by the jury homicide per misadventure whereby he is by law of *England* to sue out his pardon of course vnder the broad seale from the chancellor, ffor obteyning of which he hath now humbly addresssed himselfe to the Governour and Council—Vpon confideration thereof had

Whereas this collony is not as yet settled with such officers as belong to passing such pardons and noe publick seale being in the countrey, The Governour, Council and Burgeffes of this present Grand Affembly conceive it sufficient to declare, That the said *Thomas Swan* be discharged from further trouble, and be restored to the like condition he was in before the said homicide per misadventure comitted by him, and that he may safely acquieffe herein as if his pardon had bin sued out formally. And as concerning his goods and chattles to be forfeited thereby, they likewise conceive and declare that the rigor and forfeiture hereof shall not be taken, and that he shall be acquitted for the same.

By

¹ Only in the original manuscript.

By the Assembly:

The Affembly desire to be informed whether legall proceedings were had in the tryall of *Left. Coll. Tho. Swan* by those judges appointed by the Governour's comiffion. The legality being averred it is ordered to be recorded.

Charles Norwood, Clk. Affem.

Ordered that this Affembly be adjourned till the 10th day of *March* next, 1656, And in case any of the present Burgeffes are now elected fherriffs the inhabitants of such countyes are to proceed to new elections.

Att a Grand Affembly, held at *James Cittie*.

Know all men by these presents, That I S^r *William Berkeley*, Knt. doe by these presents in consideration of the quantity of seaven and twenty thousand five hundred pounds of tobacco to me in hand paid the receipt whereof I hereby acknowledge and divers good causes and considerations me therevnto mooveing give and grant, bargaine and sell vnto *Richard Bennett*, Esq., Governour of *Virginia* and to his heires and assignes for ever all my right, title and interest that I have or may have in my house in *James Cittie*, lately in the tenure of *William Whittby* being the westermost of the three brick-houses which I there built; To have and to hold the said third brickhouse with the appurtenances and land therevnto belonging to the said *Richard Bennett*, his heires and assignes for ever.—And I the said S^r *William Berkeley* further agree & promise to make any further assurance in law vpon reasonable demand as by counsell learned in the lawes shall be thought fitt, In witness whereof I have herevnto sett my hand and seale the thirtieth day of *March*, one thousand six hundred ffifty five.

William Berkeley:
The Seale.

Signed, sealed and delivered in the presence of vs,

William Clayborne.

Tho. Brereton.

Stephen Gray.

Thomas Ellis.

Wm. Waters.

The 30th of *March*, 1655.

Livery and feizin was the day and yeare above written given and delivered to the said *Richard Bennett*, Esq. by the within named S^r *William Berkeley*, Knt. of the House within named, In the presence of vs, *William Clayborne*, *William Waters*, *Thomas Brereton*, *Stephen Gray*, *Thomas Ellis*.

Cha: Norwood, Clk. Affem.

Affembly, *March*, 1654-5 [probably 30th]

In the difference between *Richard Nicolas* & *Coll. Henry Bishopp*: It is ordered that M^r *Nicolas* shall be possessed & the Tennants remaine paying their future rents to the said *Nicholas* ye now Proprietor & that *Coll^o Bishopp* shall pay 2,000^l^b of tobacco Cofts.

Att a Grand Affembly, Held att *James Citty*, *March* 31, 1655.

Ordered the Governour and Council be as followeth:

Edward Diggs, Esq. Governour.

Coll. *Wm. Clayborne*, Secretary and next in Council.

Capt. *John West*,

Coll. *Sam. Mathewes*,

Coll. *Argoll Yardly*,

Coll. *Thomas Pettus*,

Coll. *Humphrey Higgison*,

Coll. *George Ludlow*,

Coll. *Will'm. Bernard*,

Coll. *Bridges ffreeman*,

Coll. *Edward Hill*,

Coll. *Wm. Taylor*,

Coll. *Tho. Dew*,

L't. Coll. *Obed. Robins*,

Leift. Coll. *Mathews*,

Capt. *Henry Perry*,

Capt. *Wm. Gooch*.

Whereas

Whereas *William Deynes* hath recovered the land in Controverfie. It is ordered that *William Deynes* fhall have one thousand pounds of tobacco for Cofts and Damages to be paid by the faid *Purfrey*.¹

Ordered that the clerke or clerkes of the county court in *James Cittie*, and all other courts within this collony fhall give a receipt of what draughts or writings they fhall receive of any perfon or perfons whatsoever.

Ordered, That the comiffioners of the count: of *Northampton* fhall exercife judicature in two diftinct places of that county, That is to fay, in the vpper and lower parts, the middle devifion to be *Hunger's Creeke* from the head thereof to the widow *Billiott's* houfe, including the faid houfe in the lower precincts, and that the adminiftration of juftice fhall be on the 28th day of every moneth in the vpper part and the other in the lower part, And that the comiffioners of the refpective divifions fhall attend the courts held therein according to the time and day within limited.

By reafon of the great inconvenience occafioned by the partition of the *Iſle of Wight* county by *Pagan Creeke*, it is ordered that in each parifh of the faid county a monthly court be held on the 9th day of every moneth fucceffively each parifh ftill continueing equally relative to the comiffioners of the county in gennerall and that the com'rs. of each parifh appoint places convenient for the holding of the courts aforefaid.

¹ This paragraph is only in the original manuſcript.

AT A GRAND ASSEMBLY

Held at *James Citty* by prorogation from the 10th of *March*, 1655, to this instant, first of *December*, 1656, wherein was inacted as followeth.

FIRST in respect of divers members being some dead, some chosen sheriffs, these vnderwritten were elected, admitted and according to order have subscribed.

Lancaster County.

Sr. *Henry Chichley*, Kn't.

Henrico County.

Major *Wm. Harris*.

Isle of Wight County.

M^r *Job. Beazley*.

Gloucester County.

Capt. *Ramsfey*.

Nansemond County.

Capt. *Edward Stretter*,

M^r *John Wilcox*.

Lower Norfolk.

Capt. *Richard ffofter*.

Elizabeth Citty.

M^r *Peter Afhton*.

[Here follow in the original manuscript the laws for the session.]

Whereas by a former act of Assembly privilege was granted to any parish to send one or two Burgeffes, and severall disputations arising therevpon, how the charges of the said parochiall Burgeffes should be defrayed, *It is ordered* that everie county shall pay the Burgeffes usually sent from the respective counties as formerly, and if any parish shall return a Burgeffe for their perticular occasion, then the charge of the said Burgeffe to be levied in and by the parish that elected him.

Committee appointed for Review of the Acts.

Capt. *Francis Willis*, Chairman.

Leift. Coll. *Abraham Wood*,

Coll: *Geo: Reade*,

M^r *John Wilcox*,

For private Causes.

Major Holt, Chairman.

M^r *Peter Afhton*,

Capt. *Ro: Ellison*,

Capt. *Ralph Langley*,

M^r *Anth Wyatt*,

Capt. *Moore ffantleroy*,

Capt. *Wm. Harris*,

Capt. *Wm. Whittaker*.

Whereas the Governour and Councill in respect of some emergent necessitie had made choice of Leift. Coll. *Walker* and M^r *Nathaniel Bacon* to be added to the Councill during the intervall of the Assembly, this Assembly taking the reasons into consideration confirme their election and accordingly have consented.

Vpon the petition of Coll. *Thomas Dew* to be impowered to make a discoverie of the navigable rivers to the southward between Cape *Hatterras* and Cape *Feare* with such gentlemen and planters as would voluntarily and att their owne charge accompanie him, *It is ordered* that the said Coll. *Thomas Dew* be hereby authorized and impowered to make the said discoverie. *Provided* it be done at the proper charge of the vndertakers, and not at the cost of the publique, and in the absence or in case of the mortality of Coll. *Thomas Dew*, Capt. *Thomas Francis* is hereby invested with the like power.

Debate and consideration of the charge and defence of Coll. *Edward Hill* by the general and unanimous assent and vote of both houses without any contradiction hath been found guilty of those crimes and weakneses there alleaged against him and for
the

the vindicating themselves from any imputation of his crimes and deficiencies have ordered that his present suspension from all offices military and civil that he hath had or may have continue & be made incapable of restitution but by an Assembly, and that he be at the charge of what's already expended in procuring a peace with the *Richaherians* and if the Governour or Council shall find any nearer way to effecting thereof that it shall be acted at the said Coll. *Hills* proper cost and charge.

Whereas a petition was presented to the hon'ble Assembly by the Burgeesses of the *Isle of Wight* countie in behalfe of the inhabitants of *Terrascoe* neck and the *Ragged* Islands subscribed by divers of the said inhabitants expressing their desires to be taken out of the county of *Vpper Norfolke* and adjoynd to the countie of the *Isle of Wight* for their greater conveniency, *It is ordered* that the Governour be desired to nominate a councellor who is to appoint a precise time and place for the com'rs. of each countie to meet him, and in case the said com'rs. cannot agree about fixing the bounds of each county, Then the said councellor as an umpire to putt a period to their differences and the bounds by him or them then sett for the severall counties to remaine for the future unalterable, It being the opinion of the house that naturall bounds will be fittest for that purpose.

It is ordered by this Grand Assembly that there be levied by the pub: annually the sume of twenty thousand pounds of tobacco, which is to be allowed for the accomodation of the Governour and Councill att *James Cittie* during quarter courts and Assemblies.

It is ordered by the Assembly that twentie-five thousand pounds *per annum* be conferred on the Governour which from time to time shall succeed in the government of this countrey towards his maintenance in the said place, which is to be yearly levied out of the publique, And also that the dutys which shippes were formerly vsed to pay to the Capt. of the Castell be from henceforth paid to the Governour of this country, to be by them converted to their maintenance in the government as afore-said, And that lycenses for marriages and all other priviledges and comodities enjoyed by the precedent Governours, be confirmed to the present Governour with reservation of the castle duties to Coll. *Clayborne* of what shippes are already entered or shall enter before the expiration of this present thirteenth day of *December*.

For encouragement of the ministers in this countrey and that they may be the better enabled to attend both publick commands and their private cures, *It is ordered*, That from henceforth each minister, in his owne person with six other servants of his family shall be free from publique levies, Allwaies *provided* they be examined by M^r *Phillip Mallory* and M^r *John Green*, and they to certifye their abilities to the Governour and Councill, who are to proceed according to their judgement.

It is ordered that the parish of *Bristoll* have power to keep courts within their said parish and to heare and determine all differences herein as at county courts which courts are to be kept by the comissioners dwelling in the said parish, but either plt. or defendant if they crave it shall have licence to appeale to *Charles Cittie* or *Henrico* county courts.

It is ordered that six thousand pounds of tobacco be allowed to Coll. *Francis Morri-son*, Ipeaker of this house, for his loss of time and great care and pains taken about the publick busines.

It is ordered that Major *Charles Norwood*, heretofore clerk to the Assembly, be allowed two thousand pounds of tobacco in full of all his arrears of salary; and the clk. place of the Assembly henceforth to be conferred on M^r *Henry Randolph* to officiate therein as Major *Norwood* hath done and to have the same salary.

It is ordered that for this present year the com'rs. of the militia in every county endeavour to provide four barrels of powder with shot proportionable for each regiment which shall be allowed the next year out of the severall county levies; that *Rob't. Hubbard* for the care in attendance on the committee for review of the acts have two thousand five hundred pounds of tobacco out of the levies of *James City* or *York* county, *Provided* he write out the acts and orders at large and compleat them according to the direction of the committee and get them ready by the first of *March* next.

That

That *Thomas Woodhouse* for the quarter courts setting at his house two courts and for the committee's accommodation have two thousand five hundred pounds of tobacco granted him by the publick.

That letters be sent unto Coll. *Sam'l. Mathews* and M^r *Bennet* that in respect the difference between us and the Lord *Baltimore* concerning our bounds is as far from determination as at first, they desist in that particular until further order from this country.

That *George the Armenian* for his encouragement in the trade of silk and to stay in the country to follow the same have four thousand pounds of tobacco allowed him by the Assembly.

Whereas a petition was presented to the honourable Grand Assembly by Capt. *Thomas Pritchard* in behalfe of the inhabitants of *Nuttmege* Quarters intimating their desire by reason of their small number not longer to continue a parish of themselves, but to be united to the parish of *Denbigh*, It is ordered that the commissioners the next county court make enquire of the desires of the inhabitants, and if the major part agree vnto it, then they to be accepted and be members of the parish of *Denbigh* aforefaid otherwise to remaine a parish of themselves as at present.

This day Coll. *Francis Morrison* was desired by the house to write two letters, one to his highness, the other to the Secretary of State, and Capt. *Willis* to draw up a testimonial for the Gov'r.

It is ordered, that Coll. *Abraham Wood* be appointed and made Coll. over the regiment of *Charles City* and *Henrico* countys in the room of Coll. *Hill* by this present Assembly suspended, and Capt. *William Harris* made Major of the said regiment being his due as the first Capt. according to the desire of the said Coll. *Abraham Wood*.

Ordered that *Edward Digges*, Esquire, being at present Governour, be requested to continue his office, and retaine the reins of government in his hands during his abode in the country, and in the interim Coll. *Samuel Mathews*, Governour elect to take place next him in the councill.

Ordered that *Edward Diggs*, Esq. Gov'r. after the expiration of his government do in the Council take place next unto Coll. *John West*, Esq.

Vpon the petition of Coll. *Abraham Wood* and M^r *Anthony Wyatt* in behalfe of the inhabitants on the south side of *Charles Cittie* county, shewing the greates inconveniencies accruing to them by reason of the courts being kept on the north side of the river, It is ordered that the place of keeping courts for the said county shall be on the south side of the river, at such place as the commissioners or the major part of them shall find most convenient for the ease and benefitt of the inhabitants.

Whereas a review of the lawes hath been made by this Grand Assembly, it is ordered therevpon that they be all digested into one volume, and that the same be presented to Leift. Coll. *Walker*, Coll. *Abra: Wood*, and Capt. *Francis Willis*, who are desired as a committee to compare the same with the originall by *March* court next, and vpon their signing it publication to follow, And it is further ordered that M^r *Robert Hubert* may have license to carry the originall booke of records home to his owne house to copie them out by.

Whereas by petition of the inhabitants of the lower part of *Lancaster* county shewing their vast distance from the countie courts was presented to the honourable Assembly by Capt. *Moore ffantleroy* and their desire of haveing the county divided, It is ordered that according to an order of court deviding the said countie at present into parishes, be for the future the bounds of the two counties, *vizt.* The vpper part of M^r *Bennetts* land knowne by the name of *Naemhock* on the south side of the eastermost branch of *Moratticock* Creeke on the north side the river be the lower most bounds of the vpper county; The lower county to retaine the name of *Lancaster*, and the vpper county to be named *Rappahannock* county and notwithstanding this division both counties to be liable to the Burgesse charge of this present assembly.

[From the *Virginia Magazine of History and Biography*, XVII, 128-132.]

WHEREAS *John Fipps* by his petition shewed that there was due to him from the Country by former Order One Thousand one hundred pounds of Tobacco but Ommitted in Casting up the laſt levy, *It is therefore Ordered* that payment be made him of the ſaid ſum the next Affembly.

Whereas *Thomas Loving* High Sheriff of *James City County* by petition requeſted the Opinion of the houſe whether *Coll. Higgiſon* having been ſo long abſent out of the Country ſhould enjoy the Privilege of Councillor by exempting certain perſons out of the Levies, *It is reſolved* that in Reſpect of his long Abſence he being in no Publick Employment ſhall not have any Perſons belonging to him Exempted.

Whereas there was an order 1650 Granted for three thouſand fix hundred and Ninety Pounds of Tobacco to be paid out of the Levy of the County of *Lancaſter* to be paid unto *Coll. Samuel Mathews* which yet remains unſatisfied, *It is ordered* that the Collectors of the ſaid County make preſent thereof and in caſe of their failing their Security to pay it.

Upon the petitions and Articles of *M^r James Crewes* Exhibited againſt *Capt. Philip* We having heard and ſeen all the proofs and Arguments that the ſaid *Crewes* could produce for the Confirmation of them as alſo the defence and Reply of *Capt. Peibles* to the ſame Do unanimouſly Conceive that the ſaid petition and charge of *Crewes* is malicious and Scandalous for neither the taking away of the Neat nor tearing the Book mentioned in the firſt Article was anyways prejudicious to the ſaid *Crewes* nor more than *Peibles* might lawfully do and for the Stuff mentioned in the ſecond Article it was no cheat (as Charged) but might be diſpoſed of by *Capt. Peibles* as he pleaſed and that *Capt. Crewes* had received Satisfaction for the ſame by account and for the Stabs and Blows mentioned in the third and fourth Articles they were occaſioned by *Crewes* unworthy and uncivil provocation for which Notwithſtanding *Peibles* hath Given Satisfaction according to the order of the County Court. And to the fifth Article no juſt proof appears on *Crewes*'s part whereas we humbly conceive that the ſaid *Crewes* ought to be made Example for ſuch foul Baſe and unworthy Defamations againſt *Capt. Peibles*—by paying Coſts of Suit and a fine to *Capt. Peibles* for two Thouſand Pounds of Tobacco and that this be a final Determination of the Differences between them this Report being by the Unanimous Vote of both Houſes. *Ordered* to be confirmed.

Upon a full hearing a Serious and mature conſideration of *M^r Harlowe*'s Petition having weighed his Objections to the bond which by ſeveral proofs appears to us to be Authentick, We conceive that *Mrs. Whitby*'s *Quietus eſt* hath been Legally and Juſtly obtained and that there are no Affets diſcovered by Us in her Hands to give any other Satisfaction to the ſaid *Harlow* than what are mentioned in an Order of the Governor and Council of the Ninth of *October*, 1655, which according to the proviſo therein Expreſſed (*viz*) (not infringing the Right and precedency of any former Judgment) we Conceive may be performed towards Satisfactions of the ſaid *Harlow* it appearing to us that the Order was grounded upon and according to *M^r Harlow*'s own propoſition which ſaid Order *Mrs. Whitbey* never reſuſing to perform we conceive *M^r Harlow* had no Cauſe to put her to this great Charge and Moleſtation and therefore have *Ordered* that the ſaid *M^r Harlow* pay three thouſand pounds of Tobacco for coſts and damages upon thrice Voting of which Report in the Houſe on *Saturday* and Confirming it by another upon *Monday* at the petition of *M^r Harlow* for taking off his damages *It is ordered* by this Grand Affembly that the Eſtate mentioned in the Deed be confirmed to the ſaid *Mrs. Whitbey* their proper Eſtate and Remain free and diſcharged from the Claim of any perſon or perſons that may pretend any title or Intereſt therein as Creditor to her Late Huſband *M^r Whitby*.

Upon the Petition of Major *John Bond* Sheriff of the *Iſle of Wight* County and the petition of *M^r Theophilus Hone* Sheriff of *Elizabeth* County Complaining that their Counties have been over Rated in the Liſt of Tithables (*viz*) the *Iſle of Wight* by 38 perſons

fons amounting to twelve hundred Ninety and two pounds of Tobacco and *Elizabeth City* 32 perfons amounting to one Thoufand Eighty and Eight pounds of Tobacco, *It is Ordered* that the faid Sums be taken off the faid Counties refpectively and Laid upon *Lancafter* County where they are Increased fince the laft Year's Lift 152 perfons.

Upon The Petition of M^r *John Page* *It is ordered* that he be allowed five hundred pounds of Tobacco more for a Horfe loft in the laft Expedition having formerly had two Thoufand pounds of Tobacco allowed him by the Governor and Council which we conceive too little.

Upon the petition of Mrs. *Margaret Skinnar* *It is Ordered* that the Schedule annexed to her petition for the making Good of her Articles to her Children out of M^r *Skinnar's* Eftate done by Order of the *Ifle of Wight* Courts as very Reafonable and Juft be fo confirmed by this Affembly.

Upon the Motion of Coll. *Flood* againft M^r *Will Batt* for tending of Seconds and being found guilty of the Breach of the faid A^{ct}, *It is Ordered* that the Seconds be deftroyed and the faid *Batts* to pay two thoufand pounds of Tobacco according to the faid A^{ct}.

It is Ordered that *Thomas Woodward* Clerk to the Committee of private Caufes this Affembly being [be] allowed out of the next Year's Levies fifteen hundred pounds of Tobacco.

Upon The petition of *Richard Nicholas* *It is Ordered* that the County pay unto the faid *Nicholas* Sixteen hundred pounds of Tobacco to be placed in *Charles City* County towards the Charge and Cofts he hath been in recovering and finding a Horfe which was carried away of the faid *Nicholas* which Horfe was upon the Service in the fecond Expedition.

Upon The petition of *Robert Ellifon* *whercas* in the former Seffions of this Affembly difference between him and Lieut. Coll. *Swan* appeareth to have been debated at the Committee for private Caufes and a Report thereof made to the Affembly but not determined by reafon of M^r *Ellifon's* fudden departure out of Town this Affembly finding that former Report juft and reafonable have *Ordered* the fame to be ratified and confirmed.

In the Bufinefs between *Nicholas Seabrill* and Capt. *Giles Brent* by confent of both parties it was agreed that an inqueft of the Old Neighbours (*viz't*) M^r *Nicholas Brook* *Ralph Simkin* and M^r *Richard Daines* fhould to the beft of their Knowledge Lay forth the faid Land and after it is laid out that the Sheriff poffefs the faid *Seabrill* therewith and this to be a final Determination of the Bufinefs the faid *Brent* paying *Seabrill* fifteen hundred pounds of Tobacco for cofts and Damages (*viz't*) five hundred pounds of Tobacco this Year and one Thoufand pounds of Tobacco the next Year which is *Ordered* and *Confirmed* Accordingly.

Upon the petition of *Thomas Dipual* *It is Ordered* that he be allowed five hundred pounds of Tobacco for Damages done to his Boat in carrying Soldiers provifions up to the Fort.

M^r *Anthony Langfton's* petition is reverfed to further proof.

Upon the Petition of *Ralph Langley* concerning Damage fuftained by a Boat of his prefft for the Service of the Country *It is Ordered* that he be allowed five hundred pounds of Tobacco.

Upon the petition of Mafter *Anthony Wyat* for Satisfaction concerning a Boat bulged in the Country Service, *It is Ordered* that he be allowed five hundred pounds of Tobacco.

Upon the Petition of M^r *Bannifter* *it is Ordered* that he be allowed four hundred pounds of Tobacco for the ufe of his Boat and two hundred Seventy and Seven pounds of Tobacco for provifions that he furnifhed Coll. *Hill* withall for the ufe of the Soldiers.

Upon the Petition of Coll. *Edward Hill* *It is Ordered* that he be Satisfied Six Thoufand pound of Tobacco for Ammunition and other provifions procured by him for the ufe of the Army.

Upon the Petition of *Walter Cooper* *It is Ordered* that fifteen hundred pounds of Tobacco be allowed him for his Attendance and Service done to the laft Affembly and this.

Upon

Upon the Petition of *Thomas Hunt* It is Ordered That three hundred and twenty pounds of Tobacco be allowed to the four Men for their Service done to the Publick mentioned in his Petition.

Upon the Petition of *Henry Walker* It is Ordered that he have four hundred pounds of Tobacco for his pains of finding a Horfe of *Wm. Jupons* and four Hundred pounds of Tobacco more when he fhall bring in the Other Stray Horfe fuppofed to be *Rich'd Egles-ton's*.

It is Ordered that *Sir William Berkeley* be allowed four Thoufand five hundred pounds of Tobacco and Cask with the Tobacco upon the Sale of his Houfe It being according to the Agreement tho' Omitted by the Clerk and that it be placed upon *James City County*.

Upon the Petition of *Thos. Loving* Sheriff of *James City County* We think fit that he fhould be allowed two thoufand three hundred pounds of Tobacco.

Edw'd Diggs.

Francis Moryfon, Speaker.

[From *Hening's Statutes at Large*, I, 427, 428.]

IT is ordered that *Sir Wm. Berkeley* be allowed four thous'd. five hundred pounds of tobacco for cask with the tobaccos upon the fale of his houfe, It being according to the agreement though omitted by the clerk and that it be placed upon *James City county*.

[From *Burk's History of Virginia*, II, 116, 117.]

May it please your highness,

WE could not find a fitter means to repreſent the condition of this country to your highneſs, than this worthy perſon, *Mr Digges*, our late governor, whoſe occaſions calling him into *England*, we have inſtructed him with the ſtate of this place as he left it; we ſhall beſeech your highneſs to give credit to his relations, which we aſſure ourſelves will be faithful, having had many experiences of his candor in the time of his government, which he hath managed under your highneſs, with ſo much moderation, prudence, and juſtice, that we ſhould be much larger in expreſſing this truth, but that we fear to have already too much treſpaſſed, by interrupting your highneſs's moſt ſerious thoughts in greater affairs than what can concern your highneſs's moſt humble, moſt devoted ſervants.—Dated from the aſſembly of *Virginia*, 15th *December*, 1656.

Superſcribed,

For his Highneſs the Lord Protector.

Right honorable,

Though we are perſons ſo remote from you, we have heard ſo honorable a character of your worth, that we cannot make a ſecond choice, without erring, of one ſo fit and proper as yourſelf, to make our addreſſes to his highneſs the lord protector. Our deſires we have intruſted to that worthy gentleman *mr. Digges*, our late governor; we ſhall deſire you would pleaſe to give him acceſs to you, and by your highneſs. And as we promiſe, you will find nothing but worth in him, ſo we are confident he will undertake for us, that we are a people not altogether ungrateful, but will find ſhortly a nearer way than by ſaying ſo, to expreſs really how much we eſteem the honor of your patronage, which is both the hopes and ambition of your very humble, and then obliged ſervants.

From the aſſembly of *Virginia*, 15th *Dec.* 1656.

Superſcribed,

To the right honorable John Thurlow,

Secretary of State.

Honored

¹ The text here ſeems to be defective. Some ſuch words as "aid, acceſs to his" ought to be between "your" and "highneſs".

Honored fir,

I am commanded by this present assembly, now fitting, to certify you, that they having taken into their consideration that the difference of bounds between *Virginia* and *Maryland*, hath been in long dispute, and yet as far from determination as at first: It is therefore their unanimous desire, that you desist from all manner of farther proceeding in the same, until further order from the country. This, fir, is the sum of what I am enjoined from them to let you know, besides their thanks and my obligation in particular, which obliges me to subscribe myself, your very humble servant,

Francis Morryson.

Superfcribed,

To Colonel Samuel Matthews.

Instructions for the Honorable Edward Digges.

Upon your first arrival, you are desired to make your first addressees to the right honorable *John Thurlow*, secretary of state, and after delivery of the country's letters, by his means to get address to his royal highness the lord Protector. You are to assure his highness, that according to his letter we have not interested ourselves in the business betwixt *Maryland*—and have been unconcerned in their quarrel from the beginning until this time, and so shall continue according to his highness's direction in that letter. You are desired to join yourself with our friends colonel *Matthews* and mr. *Bennett*, and to treat with the most considerable merchants that use this trade, and to let them know how much this assembly hath endeavored to lessen the quantity and mend the quality of tobacco; to see what they will do towards it, therefore without the endeavor be reciprocal, we shall hardly mend the commodities without they mend the price, for if we once find that good and bad is all one as in respect to us, we shall certainly make that which is made with most ease. Of these transactions and the success of them, you are desired to give the country an account by the first ships next year.

[From the *Virginia Magazine of History and Biography*, VIII, 390, 391.]

Assembly, *December*, 1656.

UPON the petition of *William Hudson* concerning a patten of land that ye said *Hudson* is at present seated upon, but claimed by Collo. *Wm. Clayborne* who conceives it his due by a Grant of Assembly, in respect of the said Collo. *Clayborne*'s not being timely enough summoned to provide his answer according to the limitation of the Act. It is ordered upon the desire of the said Collo. *Clayborne* that the whole business concerninge the title be referred to the next Assembly, and in the interim ye said *Hudson* to enjoy the land without molestation & the said Collo. *Clayborne* to take notice of this as a Lawfull summons.

[Some of the Proceedings of the House of Burgeffes for the *March* 1657/58 Session.]

[*March* 23, 1657.]

THE answer of the Governor and Council to the House's Message about the lawyers.

The Governor and Council will consent to this proposition so far as it shall be agreeable to *Magna Charta*.

Wm. Claiborne.

23 *Martii*, 1657.

March 24, 1657.

WHEREAS Major *William Lewis* preferred a petition to the house therein requesting that a Commission might be granted unto them, Mr *Anthony Langston* and Major *William Harris*, to discover the Mountaines & Westward parts of the Country & to endeavour the finding out of any Commodities that might probably tend to the benefit of this Country.

It is ordered for encouragement to them & others that shall be of the like publique and Generous Spiritts that a Commission shall be granted them to authorize their Undertakings and all such Gentlemen as shall voluntarily accompany them in the said discoverie.

March, 25th, 1658.

PROPOSED, Whether the committee should draw up a reply to the answer of the Governour and Council of the 23d instant, concerning the proposition about lawyers.

Resolved, An answer should be drawn vpp by the committee.

The humble reply of the Burgeffes to the Governour and Council.

1. Concerning Lawyers. 2. Concerning the manner of proceedings in law.

To the first wee have considered *Magna Charta* and wee cannot discern any prohibition contained therein but that these propositions may pass into lawes.

It was resolved in two former Assemblies that it was not onely necessary but that they had power to make lawes for that purpose, as appears by two acts of Assembly now vpon record.

The first whereof stood in force above ten years and the later addition was added in 1647, which acts stood in force vntill the last Assembly, And soe we humbly conceive that wee have no less power nor cause to make the like lawes.

Yorke Com^{rs} referred to the Publique Committees—

Mr *Sparrows* petⁿ as Attorney for *Hacker* referred to the publique Committee—(29
John

¹ The items are given in the order in which they appear in the manuscript volume, now in the Library of Congress, used as a source by both *Hening* and the editor of the *Virginia Magazine of History and Biography*. See the note as to the source of the proceedings of the 1654/55 session.

John Perryman his petition about his fferry referred to ye publique Com^{tee} :

The petition of the Inhabitants of the Northside of *Charles* County for deviding their County referred to ye Publique Committee.

The petition of ye Inhabitants of the Southside of *Rappahannock* river referred to the Committee for Publique Affaires.

Proposed, Whether all propositions and lawes exhibitted by the comittee fhall be first treated on in the Houfe by the Burgeffes in private or in prefence of the Governour and Councill.

Resolved by a generall consent that they fhall be first discuffed among the Burgeffes only.

March 26th, 1658.

PROPOSED, Whether a regulation or totall ejection of lawyers?

Resolved, By the first vote. An ejection.

Proposed whether ground leaves or feconds are merchantable tobacco.

Resolved they are not merchantable tobacco. N. 31.

Proposed whether old debts made without excluding ground leaves may not be satisfied after the rate of three hundred cleer, to pay four hundred with them, And in case of the creditor's refusal the debtor to pay one hundred in 400 in ground leaves and so proportionably.

Resolved 300 fhall pay 400, or the residue to be paid in ground leaves.

Proposed whether any tobacco to be planted after the 10th of *July*.

Resolved none fhall plant tobacco after the tenth of *July*.

Proposed what pennalty be imposed vpon the person or persons planting after the said tenth of *July*.

Resolved: To be fined tenn thousand pounds of tobacco.

Proposed whether this Affembly to be adjourned or dissolved.

Resolved to be adjourned to the first of *November*.

Proposed, whether hides, raw or tann'd, wooll or old iron fhould be exported.

Resolved they fhall not be exported.

Proposed what penalty to be imposed on the infringers of that lawe prohibiting exportation as in the last quaere.

Resolved. Confiscation of the vessell and goods taken, and this act to be in force after the tenth of *June* next.

March 27, 1658.

PROPOSED—Whether Fences being but four foot & a half high fhould be Esteemed sufficient or else five foot & a halfe.

Resolved, A Fence of four foot & a halfe high is sufficient.

Upon complaint made to the house by ye honourable ye Governour ag^t Captain *Francis Willis* for departing out of ye Toune contrary to ye Expreffe Comand of the honourable the Governor: *It is ordered* that ye said Cap^t *Willis* be forthwith sent for by a Warrant from ye Affembly to answer his contempt.

March 29

[In pencil by *Hening*: "Session of 1657-8"].

ABOUT a Re-debate of ye proposition about imposing two shillings upon each hoghead of tobacco Exported, *It was resolved*, That only one shilling fhould be imposed on a hhd., And that to be allowed the Govern^r only during the time his Election is in our power.

A Committee appointed to regulate the Comiffioners of the County Courts were these underwritten:

M^r

¹ The three foregoing items are neither in *Hening* nor in the *Virginia Magazine of History and Biography*, but are found in the original manuscript.

M^r *Warham Horfmanden*, Chairman, Capt. *William Michell*, M^r *Joseph Bridger*, Le't.-Coll. *Edward Carter*, M^r *Jerom Ham*, Major *Wm. Wooldridge*, Major *Lemuel Ma-son*.

In ye difference debated between M^r *Joseph Bridger*, Burgefse of the lower p'ish of the *Ifle of Wight* County & the rest of the Burgefses of the said County, Whether there should be two Courts & two Countyes, or two Courts & one County. *It was Resolved & ordered accordingly*, That they should continue one County & keep Courts in two places as formerly.

March the 30th.

UPON returne of the petition of the inhabitants of the north side of the river in *Charles Cittie* county from the comittee to the house—*It is ordered*, That the county of *Charles Cittie* shall not be divided, but that it remaine one entire county and for the ease of the people that there shall be 2 courts kept one on the South side where it is, and the other on the North side by turnes. The com'rs. of both sides to assist at both courts indifferently: And each side of the river to beare the charge of building their own court house & prison.

This Grand Assembly taking into their consideration the inequality of raising taxes *per poll*, And the small encouragement given to any publique endeavors by reason of the inconsiderable value of levy tobacco, *It is therefore ordered* that two shillings *per hhd.* be laid vpon every hhd. of tobacco exported out of this country, out of which money so to be raised fixe hundred pounds *sterling* to be paid to the honourable *Samuel Mathewes*, Esquire, Governour.

March 31st, 1658.

WHEREAS in the proportion of the publique charge there is specified an allowance of two hundred pounds, for accomodation of the councillors at quarter courts and Assemblyes it is

Proposed, Whether any thing shall be allowed the councillors for their acomodation or not.

Resolved by the first vote nothing to be allowed them.

Proposed, If the Burgefses charge is paid out of the publique levy on the tobacco exported, whether it be not necessary to restraine the countyes to the election of onely two out of a county.

Resolved by the first vote, that there shall be allowed to each county the freedom to elect as many Burgefses as formerly.

This day all the former acts haveing been perused by the committee for viewing and regulating them were by the said comittee presented to the house, where being read and seriously discussed they were approved of in the House and a committee appointed to present them to the Governour and Councill, and to advise with him and his councill about the explanation or alteration of any seeming difficulties or inconveniencies, Yet with this limitation not to assent to any thing of consequence without the approbation of the House.

The Comittee.

Coll^o *John Carter*

Le't Coll^o *Thomas Swanne*

Le't Coll^o *Edward Carter*

Major *Richard Webster*

M^r *William Edwards*

M^r *John Willcoxe*.

The residue of the Comittee for publique Affaires being still to continue their proceedings & Capt *William Michell* to be Chairman to request also y^e assistance of one of the Councill

Proposed

Proposed Whether y^e Castle Duties be continued to the Governo^r as by order of the last Affembly, or to be received in Ammunition in kind and be proportioned to every county according to the number of their tithables.

Resolved at present to continue as they do.

Proposed Whether y^e party the publique or the County to beare y^e Charge of Prifoners for criminal offences where y^e party is cleered.

Resolved. By explanation of Act concerning that purpose w^{ch} fee.

Proposed. Whether after y^e nominateing a Comiffioner (to be admitted) by the County Court, & the approbation of him by y^e Governo^r and Councill the Confirmation of the Affembly be requisite.

Resolved. By explanation of the Act concerning Comiffioners, w^{ch} fee.

Proposed. Whether all Publique Levy in tobacco to be taken off, And the Burgeffes for this present Seffion to be paid out of the County Levy. And y^e Governour, Councill & the publique officers and arrears due from the publique to be paid out of the money to be raifed uppon the two fhillings *per* hoghead, & thofe propofitions to be drawn up into an Act.

Resolved. By three Affirmative Votes for Confirmation & an Act & order drawn up to that purpose, w^{ch} fee.

April the firft, 1658.

VPON the petition of the inhabitants of *Middle Plantation* and *Harrop* parifhes, *It is ordered*, That both of them be henceforth incorporated into one parifh which is to be called the parifh of *Middletoune* and the bounds of the fame to be thofe already includeing both the aforefaid former parifhes.

Upon y^e petition of Cap^t *Bennette* *ffreeman* fhewing the great Inconvenience of his houfe being ioyned to the Vpper parifh of *Chickahominy* & praying that he might be United to the parifh of *Wallingford*, *It is ordered* that the houfe he now dwells in fhall be annexed to & be in the parifh of *Wallingford*.

The Governour and Councill for many important caufes do think fitt hereby to declare, That they do now difolve this present Affembly, And that the Speaker accordingly do difmifs the Burgeffes.

Samuel Matthewes.

W: Claiborne.

Subfcribed,

Obedience Robins,
John Walker,
Geo: Reade,
William Bernard,

Thomas Pettus,

Henry Perry,
Nathaniel Bacon,
ffrancis Willis.

The Anfwer of the Burgeffes to the declaration of the Honourable Governour and Council.

The Houfe humbly presenteth, That the faid difolution as the cafe now ftandeth is not prefidentall neither legall according to the lawes, now in force, Therefore wee humbly defire a revocation of the faid declaration, efpecially feeing wee doubt not but fpeedily to finifh the present affaires to the fatisfaction of your honour and the whole country.

Subfcribed,

John Smith, Speaker.

Vpon

¹ This paragraph is found neither in *Hening* nor in the *Virginia Magazine of Hiftory and Biography*, but is in the original manufcript.

Vpon which tranſactions (worne out)¹ being but three monthes abſent, *It was voted unanimoſly*, That no Burgeſſe * * * and if any ſhall depart, That he ſhall be cenſured as a perſon betraying the truſt repoſed in him by his country, And the remain- ing to act in all things and to all intents and purpoſes as a whole and entire houſe, And further, That M^r *Speaker* ſigne nothing without the conſent of the major part of the houſe.

Voted further, That an oath of ſecreſy be adminiſtered to the Burgeſſes which was done as followeth.

The Oath.

You ſhall ſweare that as a Burgeſſe of this Houſe you ſhall not either directly or indirectly repeate nor diſcover the preſent or future tranſactions, debates or diſcourſes that are now or hereafter ſhall be tranſacted or debated on in the Houſe to any perſon or perſons whatſoever except to a Burgeſſe of this Aſſembly now preſent during the time of this preſent ſeſſion. So help you God and the contents of this Booke.

This oath taken by all the Burgeſſes preſent.

The reply of the honourable the Governour and Council.

Vpon your aſſurance of a ſpeedy iſſue to conclude the acts ſo near brought to a con- firmation in this Aſſembly, wee are willing to come to a ſpeedy concluſion, And to re- ferre the diſpute of the power of diſolving and the legality thereof to his Highneſſe the Lord Proteſtor;

Subſcribed,

Samuel Mathewes.

Wm. Claiborne, Sec.

Ja: Cittie, April 2d, 1658.

The Anſwer of the Burgeſſes.

The Houſe is vnanimouſly of opinion that the anſwer returned is vnſatisfactory, and deſire with as much earneſtneſs as the honourable Governour and Council have ex- preſſed a ſpeedy diſpatch, and propoſe, That the Governour and Council pleaſe to declare

The Houſe remains vndiſſolved that a ſpeedy period may be putt to the publique affaires.

Subſcribed,

John Smith, Speaker.

James, Ap: the 2d, 1658.

The reply of the Governour and Council.

Vpon your promiſe received of the ſpeedy and happy concluſion, Wee revoke the declaration for the diſſolution of the Aſſembly, And referre the diſpute of the power of diſſolving and the legality thereof to his Highneſſe the Lord Proteſtor.

Subſcribed,

Samuell Mathewes,

Wm. Claiborne, Sec.

The Houſe, vnſatisfied with theſe anſwers, appointed a comittee to draw vp a re- port for manifeſtation and vindication of the Aſſembly's power which after preſenta- tion to the Houſe to be ſent to the Governour and Council, Theſe vnderwritten being appointed the comittee:

Coll. *John Carter*, M^r *Warham Horſmenden*, Coll. *John Sidney*, Lev't. Coll. *Thomas Swann*, Major *Richard Webſter*, M^r *Jerom Ham*, Capt. *Wm. Michell*.

The ſame comittee is by the Houſe impowered to draw vp all ſuch propoſitions as any way tend to or concerne the ſettling the preſent affaires of the country and govern- ment.

The

¹ So marked in the manuſcript.

The Report of the Committee nominated for vindication and manifestation of the Affemblyes Power.

Wee have considered the present constitution of the government of *Virginia* and do propose, That wee find by the records, The present power of government to reside in such persons as shall be empowered by the Burgeffes (the representatives of the people) who are not dissolvable by any power now extant in *Virginia*, but the House of Burgeffes

They humbly think fitt that the House do propose,

Samuel Mathewes, Esquire, to remaine Governour and Capt. Gen'll. of *Virginia*, with the full powers of that trust, And that a Councill be nominated, appointed and confirmed by the present Burgeffes convened, with the assistance of the Governour for his advice.

Vpon which Report was drawne up this Declaration.

The Burgeffes takeing into consideration the many letts and obstructions in the affaires of this Affembly and conceiving that some persons of the present councill endeavour by setting vp their own power to destroy the apparent power resident only in the burgeffes, representative of the people, as is manifest by the records of the Affembly:

Wee the said Burgeffes do declare, That we have in our selves the full power of the election and appointment of all officers in this country vntill such time as wee shall have order to the contrary from the supreme power in *England*, All which is evident vpon the Affembly records.

And for the better manifestation thereof and the present dispatch of the affaires of this countrey we declare as followeth:

That wee are not dissolvable by any power yet extant in *Virginia* but our owne, That all former election of Governour and Council be void and null; That the power of governour for the future shall be conferred on Coll. *Samuel Mathewes*, Esq. who by vs shall be invested with all the just rights and priviledges belonging to the Governour and Capt. Generall of *Virginia* and that a councill shall be nominated, appointed and confirmed, by the present burgeffes convened (with the advice of the Governour, for his assistance,) And that for the future none bee admitted a councillor but such who shall be nominated, appointed and confirmed by the house of Burgeffes as aforesaid, vntill further order from the supream power in *England*.

Subscribed,

John Smith, Speaker.

By the Grand Affembly.

These are in the name of his Highnesse the Lord Protector to will and require you not to act or execute any warrant, precept or command directed to you from any other power or person then the Speaker of this hon'ble. House, whose commands you are hereby required to obey and not to decline therefrom vntill further order from vs the Burgeffes of this present Grand Affembly, hereof faile not as you will answer the contrary at your perill. Given 2d Apr. 58.

Signed,

John Smith, Speak'r.

Directed to Capt. *Robert Ellifon*, High Sheriff of *James Citty* County and Serjeant at Armes for this present Grand Affembly.

It is ordered, That whereas the supream power of this country of *Virginia* is by this Grand Affembly declared to be resident in the Burgeffes, the representatives of the people, That in reference and obedience thereto Coll. *William Claiborne* late secretarie of state forthwith furrender and deliver the records of the country into the hands of the Speaker of this present Grand Affembly.

Coll. *Claiborne* being sent for by the fergeant at armes there was drawen vp the next ensuing order.

Whereas it hath been ordered by this present Grand Affembly, That Coll. *William Claiborne* late secretarie of state should deliver, vppon oath, all the records concerning this country of *Virginia* or any perticular member thereof vnto this present Grand Affembly,

fembly,

sembly, *These are to impower & authorize* Coll. *John Carter* and *M^r Warham Horsmenden* to receive the same in the name and behalfe of the aforefaid Grand Affembly, and for fuch records as they fhall receive to give the faid Coll. *Claiborne* a full receipt and difcharge.

Whereas it appeareth by the report of the Committee grounded upon an order of the Govern^r & Councell of ye 11th of *December*, 1656, that there was accepted by *John Leare* a portion given by *Mistresse Streeter*, the faid *Leare's* wife's mother, in lieu of the eftate due to her the faid *Leare's* wife from the eftate of *M^r Thos. Oldis*, dec'd, And that in relation thereto *Capt. Edw^d Streeter*, who married ye Executrex of ye faid *Oldis* had made a delivery of feveral the Goods & Chattells, by his wife to ye faid *Leare's* wife in confideration of her Father's Legacy formerly demifed, And finding yet due from the faid *Streeter* to compleat & make up ye faid porcon given in Lieu of the Legacy aforefaid, Eight neat Cattle, one thoufand acres of Land, one Negro man called *Abraham*, *It is therefore ordered*: That ye faid *Capt. Streeter* forthwith make delivery of the premiffes, And make as good affurance of the Land as by law he may or can, unto ye faid *Leare* or affigns, with fix hundred pounds of tobacco damages & cofts of fuite *als* Execution.

Whereas by a^{ct} of Affembly held at *James Citty* in *March* now paft, It is enacted, That all Aliens & Strangers which have inhabited this Country foure yeares & are firmly refolved to make this Country the place of their constant Refidence, fhould be free Denizens of this Collony & thereby be invefted with all priviledges they are in any way capable of.

This Grand Affembly upon the petition of *William Wefterhoufe*, a *Dutchman*, have hereby declared, approved and made the faid *Wefterhoufe* a Free Denizen of *Virginia*, giving thereby & granting unto ye faid *Wefterhoufe* full power and priviledge to purchafe, hold & difpofe of Lands. To trade & traffique & all other law^l priviledges & Imunities to be invefted with & enjoy, in as full & ample manner to all intents & purpofes as if he had been an *Englifhman* borne (The bearing of publique offices & imployments Exempted), with which Denizacon his children alfo may be invefted with, Allwaies *provided* that in the County Court where he or they do or fhall refide, he and they fhall take an oath of Fidelity to the government of this Country, which oath is to be adminiftered by the Com^{rs} of the faid County Court & there to be Recorded.

Denization iffued in the forme above fpecified to *George Hacke*, Chirurgeon, being a *German* borne, now refident in the County of *North'ton*.

Comiffion for Naturalizacon iffued out to *M^r William & John Cuftis* in the forme above, onely they & their iffue are capeable of bearing office, they being borne of *Englifh* parents.

Lambert Grooten, of *Accomack*, *Minor Dowdas*, of ye *Isle of Wight* County, and *John Abraham*, of —, *Dutchmen*, had Comiffion of Denizacon granted them as above.

Whereas at a Quarter Court held at *James Citty* the 13th of *October*, 1656, *Nicholas Trotte*, obtained order ag^t *Thomas Bufhrod* for prefont paym^t three thoufand two hundred twenty-fower pounds of tobacco and Caske, from which the faid *Bufhrod* appealed to ye Affembly, exhibiting in his petition to them that he had tendred tobacco to the faid *Trotte* for fatisfaction of the faid order, & all other bills due (as the faid order of Court was), out of his own Crop; But it appearing upon full Examination of the bufinefs, That ye tobacco was never legally tendred nor ye Viewers legally qualified, nor that they were all prefont at one time, nor that any notice was given of it to *M^r Trotte*, nor that all the Viewers make a report of the tobacco being good. And Further the faid *Bufhrod* not making his tender untill the fhipping neare gone * * * *Assembly have therefore ordered* That * * * Tobacco the faid *Bufhrod* do make prefont payment of the fum of 3,224 lbs. of principall, well conditioned, fweet fented Tobacco, according to A^{ct} of Affembly & Caske out of his own Crop, made at his own plantation he dwells upon called *Effex Lodge*, The faid Tobacco being purchafed by the faid *Trotte* at four pence *per* pound, And likewise that the faid *Bufhrod* pay unto the faid *Trotte*

Thirty-five

Thirty-five pound *Sterling* in tobacco, qualified according to Act at three halfe pence p lb., And three hundred pound of Tobacco for Charge & Damages with Cofts of fuit *als* Execution.

The fuit Between Lef^t Coll^o *Miles Cary* & M^r *John Brewer* in behalfe of the Inhabitants of *Stanly* hundred, plaintiffs & M^r *John Harlowe*, Defend^t, in respect of the preterjudiciall bringing ye said fuite before ye Affembly & the said *Harlowe* never fumoned, is difmiffed.

April the 3d, 1658.

THE comittee appointed for manifeftation of the countreys power did this day by order of the houle present to the Governour the forme of the oath to be taken by him and the Councill, which by him was approved and a list of those he desired to be of his councill presented by him to the houle.

The Oath.

I doe sweare that as Governour and Capt. Gen'll. of *Virginia*, I will, from time to time to the best of my vnderftanding and confcience deliver my opinion in all cafes for the good and welfare of this plantation of *Virginia*, And I do also sweare that as a minister of iustice in *Virginia*, I will, to the best of my judgment and confcience, do equall right and iustice vnto all persons in all caufes when I shall bee therevnto called, according to the knowne laws of *England* or acts of Affembly which are or shall be in force for the time being without favour, affection, partiality or malice or any by respect whatsoever, Neither will I, directly or indirectly give councill or advice in any cause depending before me, So help me God.

The names of the Councillors nominated by the Governour and approved by the Houlfe.

| | | |
|----|--|--|
| S: | Coll. <i>Samuell Mathewes</i> , Esq'r. | Governour and Capt. Gen'll. of <i>Virginia</i> . |
| | <i>Richard Bennett</i> , | Coll. <i>John West</i> , |
| S: | Coll. <i>Wm. Claiborne</i> , | S: Coll. <i>Tho's. Pettus</i> , |
| | Secretary of State, | |
| | Coll. <i>Hill</i> , | S: Coll. <i>Obedience Robins</i> , |
| | Coll. <i>Thomas Dew</i> , | Capt. <i>Henry Perry</i> , |
| S: | Coll. <i>Wm. Bernard</i> , | |
| | Le'tt. Coll. <i>John Walker</i> , | } Esquires. |
| S: | Coll. <i>George Reade</i> , | |
| | Coll. <i>Abraham Wood</i> , | |
| | | Coll. <i>John Carter</i> , |
| | | M ^r <i>Warham Horfmenden</i> , |
| | | Le't. Coll. <i>Anto Ellyotte</i> . |

These 3 last not to be sworne vntill the dissolution of the Affembly.

These marked in the margent with the letter S: where then sworne in the forme expreffed, their titles onely changed.

[Some of the Proceedings of the House of Burgeses for the 1658/59 Session.]

[*March* 1, 1658/59.]

THE Burgeses of the severall counties being returned by the Sherifes and this day making their appearance in the House, there was by the vnanimous vote of all then present (being thirty in number) chosen, Coll. *Edward Hill*, Speaker, and being by them presented to the Governour from him received approbation.

Whereas Coll. *Moore ffantleroy* not being present in the House at the election of the Speaker moved against him as if clandestinely elected and taxed the House of unwarrantable proceedings therein, *It is ordered*, That the said Coll. *ffantleroy* be suspended vntill tomorrow morning, when vpon his submission he may be readmitted.

The House adjourned vntill *Tuesday* morning.

March the 8th, 1658/9.

THE House being mett, Coll. *Fantleroy* acknowledging his error, was re-admitted and the order for suspension reversed.

Orders for observation of good order in the House being this day read are generally assented to and ordered to be recorded.

Orders in the House.

1. That no Burgesse shall absent himselfe from attendance on the House without leave first obtained (vnlesse prevented by sicknesse) when any matter shall be debated of; But that every member shall keepe good order, and give due attention to the reading or debating of whatsoever shall be proposed or presented to the consideration of the House: And that every Burgesse shall, with due respect, address himselfe to Mr *Speaker* in a decent manner, And not entertaine any private discourse, while the publique affairs are treated off.

2. That any member of this house for everie time of his absence vpon call of the clerke shall forfeit twenty pounds of tobacco to be disposed of by the major part of the house vpon every *Saturday* in the afternoon, lawfull impediments excepted.

3. That the first time any member of this house shall by the major part of the house [be] adjudged to be disguised with overmuch drinke he shall forfeit one hundred pounds of tobacco, and for the second time he shall be soe disguised, he shall forfeit 300 of tob'o. and for the 3d offence 1000 lb. tobacco.

4. That vpon debate of any thing proposed by the Speaker, The party that speaketh shall rise from his seate and be vncovered dureing the time he speaketh, wherein no interruption shall be made vntill he have finished his discourse, vpon the penalty of one hundred pounds of tob'o.

5. That no irreverent or indigne forme of speech be vttered in the House by any person against another member of this House, vpon the penalty of ffive hundred pounds of tobacco, The House to be judge therein and the severall fines to be disposed of by the House as above said.

Coll.

¹ See the notes as to the source of the text of the 1654/55 session and the 1657/58 session.

Coll. *John Sidney* was ordered by the House to go to the Governour and request the appointment of some of the Council to administer the oath to the Burgessees, whereupon were sent Coll. *William Claiborne*, Coll. *William Bernard* and Coll. *Thomas Dewe*, who administered the oath to the Burgessees in forme following.

The Oath.

You and every of you shall swear vpon the holy Evangelist and in the sight of God to deliver your opinions faithfully, justly and honestly according to your best vnderstanding and conscience for the generall good and prosperity of this country and every perticular member thereof, And to do your vtmost endeavour to profecute that without mingling with it any perticular interest of any person or persons whatsoever, So helpe you God and the contents of this booke.

Post Meridiem.

COLL. *Collclough* and *Giles Webb* were sent by the House to acquaint the Governour's honour that the house attended his pleasure; Who comeing in caused a letter directed to him and the councill to be read.

The Letter.

Duplicate.

Gentlemen, His late Highnesse the Lord Protector, from that generall respect which he had to the good and safety of all the people of his dominion, Whether in these nations or in the *English* plantations abroad did extend his care to his collony in *Virginia*, The present condition and affaires whereof appearing vnder some vnsettlednes through the looseness of the government, The supplying of that defect hath been taken into serious consideration and some resolutions past in order therevnto which we suppose would have been brought into act by this time if the Lord had continued life and health to his said Highnesse; but it hath pleased the Lord on *ffriday* the third of this moneth to take him out of the world, his said highnesse haveing in his life time according to the humble petition and advise appointed and declared the most noble and illustrious Lord, the Lord *Richard*, eldest sonne to his late Highnesse to be his succeffor, who hath been accordingly with generall consent and applause of all proclaimed protector of this Comon-Wealth of *England*, *Scotland* and *Ireland* and the dominions and territories therevnto belonging, And therefore wee have thought fitt to signifie the same vnto you, whom wee require according to your duty that you cause his said highnesse *Richard*, Lord Protector, forthwith to be proclaimed in all parts of your collony, And his Highnesse Council have thought fitt hereby to assure you that the settlement of that collony is not neglected and to lett you know that you may expect shortly to receive a more expresse testimony of his Highnes care in that behalfe; till the further perfecting whereof, their Lordships do will and require you the present Governour and Council there to apply yourselves with all serioufness, faithfullnesse and circumspection to the peaceable and orderly management of the affaires of that collony according to such good lawes and customes (not repugnant to the lawes of *England*) as have been heretofore vsed and exercised among you improveing your best endeavors, as for maintaining the civil peace, so for promoting the interest of religion, wherein you will receive from hence all just countenance and encouragement, And if any person shall presume by any vndue wayes to interrupt the quiet or hazard the safety of his Highnesse people there, Order will be taken (vpon the representation of such proceedings) to make further provision for securing of your peace in such a way as shall be found meet and necessary, and for calling those to a strict acco't, who shall endeavour to disturbe it.

Signed in the name and by the order of the Council,
Whitehall, 7th *September*, 1658.

He: Lawrence, Presid't.
Superfcription.

Superfcription.

To the Governour and Councill of his Highneffe Collony of Virginia.

The letter being read was propofed whether the Houfe fhould have time to debate on their acceptance and approbation of that letter.

Refolved they fhould have time to confider of it.

In reference to which the Governour and Councill departed and then was propofed, whether the letter in that part that requires obedience to his Highneffe *Richard*, Lord Protector, fhould be affented to.

Refolved generally and vnanimoufly in the affirmative.

2. Whether the letter fent be accepted as an authentique manifeftation of their Lordships' intentions for the government of this country.

Voted—That wee owne the power and the whole contents thereof, After which the Houfe adjourned vntill *Wednefday* morning.

March the 9th, 1658.

THE Houfe being mett, The Speaker declared the intentions of the Governor and Councill in tender care of the good of this country to affift the Affembly in making addreffes to his Highneffe for confirmation of the priviledge granted to the country in electing their own officers, in which the Houfe defired to be fatisfied from the Governour's owne expreffions. In reference to which, M^r *Bacon*, M^r *Horfmenden*, L^t. Coll. *Carter* and Capt. *Fowke* were fent to defire his honor to come to the Houfe and affirme it which accordingly he did as followeth, *vizt* He acknowledged the fupream power of electing officers to be by the prefent lawes refident in the Grand Affembly, And that he would joyne his beft affiftance with the country in making an addrefse to his Highneffe for confirmation of their prefent priviledges, And that for this reafon, That what was their priviledge now might be his or their pofterities hereafter.

The committee appointed to draw vp the addreffes of the country to his Highnefs, to whom were added of the Councill, Coll. *Wm. Claiborne*, Coll. *John Walker*, Coll. *John Carter*, Capt. *Francis Willis*, M^r *Nathaniel Bacon*, M^r *Warham Horfmenden*.

The Committee for private Caufes.

Le't Coll. *Edward Carter*, Coll. *John Sidney*, Coll. *Moore Fantleroy*, M^r *Henry Corbin*, Captain *George Jordan*, Major *Lemuel Mafon*.

The Comittee for review and regulation of the A^{cts}, and to make Report of the inconveniencies or requifite alterations.

Le't Coll *John Stringer*, Col. *Robert Pitte*, Capt. *William Whittacre*, Major *Joseph Crowshaw*, M^r *George Collclough*, M^r *William Blacke*.

William Parry tendring a petition to the Houfe for a reliefe to be allowed by the publique in regard of his loffes by fire, age and impotency had his faid petition ejected.

Complaint being made to the Affembly by Le't Coll. *Miles Cary* and M^r *Henry Corben* two of the collectors of the impofition of two fhillings *per hhd* That *Thomas James*, mafter of the *Ant'o.* of *London*, *David Welldy*, mafter of the fhipp belonging to *Southampton*, M^r *Henry Haines*, mafter of the *Robt.* Capt. *Peter Wraxall*, commander of the *Good Will*, M^r *Richard Sellacke*, mafter of the *Recovery* all of *Briftoll*, M^r *Nicholas Smith*, comãander of the *Dolphin* of *Amfterdam*, M^r *Samuell Groom*, commander of the *Dove*, And Capt. *Richard Hufbands*, comander of the *Recovery* of *London* refufed to give caution for payment of the faid Levy according to the tenor of the a^{ct} in that cafe provided: *It is ordered* that Warrants iffue forth vnder the hands of the Governour and Speaker ffor the imediate perfonall appearance of the perfons abovesaid before them and the Grand Affembly.

The Houfe adjourned vntill *Thurfday* morning.

March

March the 10th, 1658.

WHEREAS certaine perfons of the county of *Surry* complained by petition, That one of their Burgeffes was vnduely elected, and prayed, That M^r *Thomas Warren* might be admitted to implead the fheriffe for his return, which being granted and the faid M^r *Warren* averring, That there was no fault in the fherriffe, The election, returne and Burgeffe were thereupon all approved.

It is ordered, That M^r *Henry Haines* stand comitted vntill he give bond with security for payment of the levy of two fhillings *per hhd.*

The remaining part of this day and the eleaventh and twelveth being spent in severall propositions and meffages past between the Governour and Councill.

March the 13th, 1658.

COLL. *John Carter*, M^r *Warham Horfmonden* & Capt. *Francis Willis*, Capt. *Warner*, Le'tt. Coll. *Carter* were by the Houfe sent to the Governor and Councill for their assent to the last proposition concerning the establishing the government.

The Governour and Councill's Answer to the Burgeffes Proposition.

To shew our desire and compliance for the peace of the collony, wee shall consent till the pleasure of his Highness be further signified.

Wherevpon the proposition was drawn vp into an act and signed by the Governour and Speaker and by beat of drum proclaimed.

Whereas Solomon Martin hath scandalously objected against Coll. *Wm. Bernard*, a Councillor of State, that he could make his fervants sweare what he would, *The House hath comited* the faid *Martin* to prison vntill *Monday* morning for his offence.

Whereas order for pattering the land of the *Wiccacomoco* Indians in *Northumberland* county vpon the faid Indians deserting the faid land was granted to the honourable *Samuel Mathewes*, Esq. Governour, &c. the twenty-seaventh day of *November*, 1657, and confirmed by another order of the quarter court, dated the eleaventh of *March*, 1658, and that grounded vpon the desire of the faid Indians to surrender the same to his honour, *The Assembly hath thought fitt* to ratifye the faid grants, and do hereby confirme the same, *Provided* that no intrenchment be made vpon any preceding rights of Coll. *Richard Lee*.

March the 15th, 1658.

PROPOSED, Whether Coll. *John Carter*, M^r *Warham Horfmonden* and Le'tt. Coll. *Anto. Elliott* should, by vertue of their last election continue councillors or be referred to a further confirmation.

Resolved that they should be referred to a new election.

To the quere of the Governour and Councill referred to the confideration of the Affembly, *March* the 11th, 1658, *in causa, Elizab: Perry vs. Thomas Davies*, After long suite judgment given, execution served, A new suite is againe renewed by *Davis* in chancery, And then *Davis* appealing to the Affembly whether his appeale must be allowed, hee neither charging the court with error, injustice or partiality.

Upon the Petition of *W^m Daiues*, for admittance of his appeale, It is assented to by the house and a hearing granted.¹

Vpon the petition of Coll. *Henry Browne* shewing, That he was impleaded by *John Jennings*, overseer of the estate of *Robert Morstay*, dec'd, to recover a debt without ground leaves which was made for tobacco then merchantable att the date of the bill,

And

¹ This paragraph is in neither *Hening* nor the *Virginia Magazine of Hiltory and Biography*, but is found in the original manuscript.

And *Surry* county court haveing granted an order for payment of the said debt in tobacco cleer of ground leaves, according to the tenor of the act of Asssembly now in force, *It is ordered*, That the order of *Surry* county court be reverfed; And that the said *Jennings* forthwith repay vnto the said Coll. *Browne* the overplus of the tobacco and caske received by vertue of the said order of *Surry* court with cofts *als.* exec'on.

Upon the petition of *John Custis* shewing his *English* descent, though of foreign birth & craveing this honourable Asssembly to restore him to the freedom of his parents. *It is ordered* accordingly that a Commiffion of Naturalizacon shall be granted him, he taking the oath of Fidelity to the Government.

Upon the petition of *Lambert Grooten* shewing his long residence and Resolution of continuance in this Country craveing therefore a Comiffion of Denization might be granted him. *It is ordered* therefore that he takeing his Oath of fidelity to the Government his Commiffion for Denization shall be granted him.—P.N., 10.

John Abraham upon his petition hath obtained like conceffion & order for his Denizacon.

Minor Dowdas upon his petition hath obtained like Grant & order for his Comiffion of Denization as abovesaid.—P. N., 12.

APPENDIX.

Appendix.

[From a manuscript in the Library of Congress. MS. Rec. *Virginia Co.*, III, pt. 11, p. 49.]

[Law Against Improper Contracts of Marriage.]

WHEREAS to the great contempt of the Ma^{tie} of God and ill example to others, certain women within this Colony have of late contrary to the Lawes ecclesiasticall of the Realme of *England* contracted themselves to two severall men at one time, whereby much troble doth growe betweene parties; and the Governour and Counsell of Estate, thereby much disquieted: To prevent the like offence in others hereafter, *It is by the Governour & Counsell ordered in Court*, that every Minister give notice in his Church to his parishoners, that what man or woman foever shall hereafter use any worde or speech tending to a contract of Mariage vnto two severall persons at one time (though not p^ricise and legall yet so as may intangle and breed strugle in their Consciencences) shall for such their offence vnd^rgo either corporall punishm^t (as whippinge &c) or other punishm^t by fyne, or otherwise, according to the qualitie of the person so offending. Given at *James Cittie* this 24th of *June* 1624.

[From a manuscript¹ in the Library of Congress.]

[Letter from the Governor and Council of *Virginia*.]

To *Henry Vicount Mandeville*

Right Hono^{ble}

IT hath pleased his moste gracious Ma^{tie} to direct his Royall L^{tes} to y^e Gou^rnor Councill & Colony of *Virginia*, signifying his pleasure to take the Comodity of Tobacco to his owne imediate use, & requiring that we should here contract wth the Burgeffes of the sev^rall Plantations for the same on his behalf, togeather wth instructions to that purpose from the atturny gen^rall, whereunto may it please yo^r Lo^p in all humbleness of duty wee have returned our answere (as we were required) [in?] our Petitions & gen^rall declarations sent in these sh^{ips}, Humbly shewing vnto his Highness, the great p^rjudice that this Colony hath received by div^s contracts made wholly wthout our consents or privity, & sett on foote by avaritious and unconscionable men intending their owne private lucre & gaine, in the snares whereof we have continu[ally?] for the 6 yeares beene entangled & miserably p^rplexed; to the gen^rall discouragement of all men, & hinderance of the proceedings of this Plantation, w^{ch} otherwise would [have?] manifested better effects of more staple comodities soe long expected of us, for the p^rfecting whereof, wee are disabled by our pou^rty, whilest our affaires remaine [unsecure?] & uncertaine, & we in feare to be made slaves to those men from whose * * * & wide consciences wee expect noe mercy. But since all form^r contracts are [dissolved?] & that his Ma^{tie} hath beene pleased to extend his Princely care for the establishment [of?] this Colonie, w^{ch} wthout the suppartation of his Royall hand must necessarily sincke Wee have regained new hopes to our disparing minds in assured confidance that all factions silenced, & the private intentions of others p^rvented, our iust Petitions [will?] receive a favorable admittance

¹ This manuscript is in a very poor state of preservation, the edges being considerably frayed and the writing in places indistinct. Where possible the omissions of the text have been supplied, conjecturally, in brackets; and where conjecture failed, asterisks have been inserted.

This note applies, also, to most of the other Library of Congress manuscripts printed in this Appendix.

admittance & hearing; In the w^{ch} wee the gou^rno^r & [Councill?] in the name of the whole Colony doe implore the continuance of yo^r [Lor^{pp}s favour?] towards vs, that as heretofore yo^r Lo^{pp} hath beene the greateft meanes [to protect us from?] thes form^r contracts, for w^{ch} wee returne our humbleft thanks vnto yo^r [Lor^{pp}, wee hope that?] now againe by yo^r iuftice & goodnefs wee may be p^rected againft [the extortions?] and avarife of thofe men, who have beene fo thirfty of our mifery & ruine; Wee rather defringe to become feruants vnto his Ma^{tie} by the proffitt of our labours, then vnto ones that fould vnderhand contract for the fame; Thus wifhing vnto yo^r Hono^r all increafe of goodnefs & imortall happines we reft

Virginia the
30th of March 1628.

Att yo^r L^{pp}s Comaund
ffrancis West

John Pott
Sam Mathewes

Roger Smyth
William Claibourne
William Tucker

[From a manuscript in the Library of Congress.]

[Letter from the Governor and Council of *Virginia*.]

To *Edw: Earle of Dorsett*

Right Hono^{ble}

MAY it please yo^r Hono^r to accept from vs the gou^rno^r Councell & Colony of *Virginia* the humble acknowledgm^t of our thankfullnes for yo^r Lo^{pp}s continuall favour towards vs, and this Plantation w^{ch} as it hath eu^r appeared by yo^r noble inclination to aduance the p^reedings thereof, foe more p^ricularly by ou^tthrowing thofe late contracts on our Tobacco, intended & made wthout our confents, to the difannuling whereof yo^r Lo^p gave the furtherance & power that p^rduced foe good an effect, w^{ch} otherwise had tended to our mifery & ruyne, Wherefore wee are againe invited to imbolden ourfelues on yo^r wonted goodnes & iuftice, by w^{ch} we defire to be protected againft thes harmes, & implore the Continuance of yo^r hono^{ble} favour to this Colony, now againe enfnared in the fame toyles, & likely to fuffer extreame p^riudice by new contracts, w^{ch} wee feare are proiected by thofe men, whose ends are their private gaines & lucre, and not the p^rffit of his Ma^{tie} or the welfare of this State, Wee haue reeaved his Ma^{ties} moft gratious Letters & Inftuctions from S^r *Robert Heath* Attorney Gen^rall concerning the fame, & by our publique declarations (according as wee are required) haue returned our humble anfwere vnto his Highnes: And wee hope his Royall Ma^{tie} wilbe pleafed gratioufly to heare our iuft Petitions to our relief & etablifhm^t, & put an end to thefe long troubles, whereby our affaires haue beene exceedingly p^rplexed, In the w^{ch} wee humble begg yo^r Lo^{pp}s meadiations & Councells, Thus praying for yo^r Hono^rs welfare & felicity wee reft

Att yo^r Comaund
ffrancis West

John Pott
Samuel Mathewes

Roger Smyth
William Claybourne

Virginia the
30th of March 1628.

Willm Tucker

[From

[From a manuscript in the Library of Congress.]

[Letter from the Governor and Council of *Virginia*.]

To My L^d. *Laware*.

Right Hono^{ble}

MAY it please yo^r Hono^r to accept from *Virginia* the acknowledgm^t of those respects that this Colony oweth and offereth vnto yo^r Lo^{pp}, p^{er}suading ourselves that those noble inclinations are hereditary in yo^r minde, w^{ch} were in the thoughts and intentions of yo^r hono^{ble} Father, whoe gave beginning advance and whilest he lived supportation to this Plantation and since his death, how endeared hath his memory beene to our harts, it being apparent vnto vs [what?] great sufferers we were in his losse, by whose patronage we hoped for defence against those harmes, w^{ch} since have well nighe ou^rwhelmed vs, & in p^{ar}ticular those p^{er}nicious contracts w^{ch} so often for those 6 yeares have beene contin[ually?] intended & made on our Tobacco wthout our knowledge or privity: We have now in assurance of yo^r favour, & confidence of yo^r noble minde imboldened ourselves to implore yo^r Lo^{pp}'s favoure, that you would be pleased to Patronize our iust cause, and that our Petitions and general declarations to his most sacred Ma^{tie} may be gratioously accepted, and that none may contract on our goods [without?] our consente, vpon such vnreasonable tearmes & conditions as draw wth them immediate ruyne & disstruction of this Colony:

Thus wishing unto yo^r Lo^{pp} all increafe of Hono^r & felicity, wee rest
Virginia the 30th of Devoted to yo^r Lo^{pp}'s service.
 March 1628 *francis West*

John Pott
Samuell Mathewes,

Roger Smyth.
William Claybourne

William Tucker.

[From the *Bancroft* Transcripts, *New York* Public Library, III, 575-578.]

[Memorial in Reference to Tobacco.]

Firft, that his Ma^{tie} would be graciouſlie pleased to caufe ſome care to be had for the ſupplanting of *English* Tobacco, w^{ch} I conceive may beſt be effected by an Act of Parliam^t, ſeing that notwthſtandinge his Ma^{ties} Proclamaçons forbidding the planting thereof, it is planted much more then formerlie in divers partes of this kingdome whereby his Ma^{ties} plantaçons abroad are like in ſhort tyme to be deſerted, and utterlie diſabled from planting many uſefull & advantageable comodities for the benefit of *England*, as hemp & flax for cordage, linnen, iron, vines, ſilke, & other ſtadle comodities w^{ch} the fertilenes of *Virginia* undoubtedlie in ſhort tyme wth the care and induſtrie of his Ma^{ties} people there may produce. Beſides the *English* Tobacco doth greatly hinder the ſale of *Virginia* in theiſ partes, w^{ch} cauſeth his Ma^{ties} ſubjectes in *Virginia* & the adventurers thither, to ſeeke other forraine Marketes, whereby his Ma^{ties} cuſtomes from thence are like to be daylie impayred, this preſent yeare amounting to fifteene thouſand pounds from *Virginia* onely in all likelihood the next yeare will hardlie render halfe the profit. This preſent yeare an eſtimate is made that three hundred thouſand waight of tobacco hath been planted in *England*, and it is thought the next yeare will produce here as much more if it be not hindered by ſtrong hand.

Next, whereas it was ordered by the Lords, that the Governo^r of *Virginia* ſhould there take bond of all Maſters of Shipps to bring into *England* all ſuch comodities as they doe lade there, that *England* might be the onely ſtadle of that place, that his Ma^{tie} might

might not loofe his benefitt thereby: it were much better that bond might be taken here in *England* and alfoe in *Ireland* of all fuch fhipps as lade hence for thofe partes feing the Governo^r is not to permitt trade there wth any forrayners and by this meanes it will be manifelt by their Corkettes.

Endorfed by Secretary *Dorcheſter*, "The Government of *Virginia*'s Memorial."

[From a manuſcript in the Library of Congreſs.]

[Letter from the Governor and Council in *Virginia* to the Privy Council in *England*.]

Right Hon^{ble}

Wee cannot but acknowledge the great goodnes of God, that hath ftirred vpp the hart of his moſt excellent Ma^{tie} gratiouſlie to reflect his royall Eye vppon this Colony to eſta bliſh it to a new life, from the lowe declention wherunto it was fallen, And wee earneſtly deſire yo^r honors, to p^{re}ſent our moſt humble Thankes vnto his moſt Sacred Ma^{tie} And wee cannot but acknowledge the hand of heauen alſo, that hath not ſuffered, the zeale of this plantation, to die out of the boſoms of yo^w, Right Honorable, beinge the perſonages that ſoe nobly haue given, beginninge, Supportation & p^{ro}greſſes vnto it, whereby wee hope after ſoe longe a tyme, wherein nothinge hath beene begotten, from hence, but one of the moſt vnneceſſarie Co^modities, nowe at length to manifelt ſome better fruites of ſoe great expence of men and money waſted and conſumed on itt, wee haue latelie ſu^moned an aſſembly, wherein wee haue contineued longe together in Conſultation of all fuch orders as we haue thought moſt neceſſarye for the p^{re}ſent Gouernm^t heere, of w^{ch} wee haue ſent yo^w the Coppies beſeechinge yo^r Lor^ſ approbation, and favorable interpretation, to our good intentions, eſpecially to thoſe thinges, wherein wee haue anythinge fayled, or p^{ro}ceeded to farr, to regulate thoſe matters, w^{ch} wee would otherwiſe haue left vntouched, had not the neceſſitie of the tyme required itt, that is, the ſtate of the Church affayres, wee wilbe bould to informe yo^r Lor^ſ that wth a moſt vnanimous Conſent, both of the Gouerno^r, and Counſell & all the Burgiſſes, thoſe ordinances and lawes were firmelie eſta bliſhed, and wee hope that the publique ſervice hath ſoe vnited our mynds that noe privat reſpects will diſioyne or divert o^r harts and intentions, yf any error haue ouertaken our weake abilities not Converfaunt in fuch affayres, wee deſire nothinge more, then to be reſtored, to the right pathes, but it was neceſſarie to Comprehend in our bodie all fuch p^{ar}ticular orders, as this Colony requires, diuerſified from the p^{re}ſident of other Co^monwealthes, And wee deſire that Act w^{ch} ſetts the price of our Tobacco at 6^d p^{er} lb. may not be thought ſtrange, of w^{ch} to give yo^w the motiues would make theſe tedious, And in part the Aſſemblye haue given yo^w the reaſon, and ſome of the Co^miſſioners can informe yo^w of former p^{re}ſidents, heere in that kind, and wee are ſure that no evils can enſue of ſoe great p^{re}judice, as the want of fuch an order hath now brought vppon vs, By the former ſhipps, our letters haue p^{ar}ticularlie informed yo^r Lor^ſ, of the moſt neceſſarie poynts, w^{ch} wee now agayne beſeech yo^w may rather obtayne Creditt then any ſiniſter informations our p^{re}jects ſuggeſted vnto yo^w by vnexperienced men, Leade often tymes wth priuate reſpects for o^r parts we ſhall ſubmitt to yo^r hon^{rs} direccions rather wiſhing that the moſt neceſſarie workes, may be fixed on, And thoſe w^{ch} are to be firſt in order of tyme, then by imbraceinge many to fayle in all, Aboue all wee wiſh that good and godlie myniſters would repayre vnto us, And that numbers of people may be ſent, In multitudes of hands Conſiſts ſtrength, And the difficultie of groſſe workes will not otherwiſe be vanquiſhed, They neede not doubt in p^{ro}viſion of victualls eſpecially yf any price be giuen vnto vs for our Corne, And wee will endeavour

to

to receiue them wth all good accomodations, Tradefmen are wantinge, especially Shipwrights, Smythes, Carpenters, Tanners, Leatherdreffers, Hempdreffers, And Brick-makers, and Bricklayers for now wee intend our houses for decencye and Comoditie This inclosed abstract of the muster, will giue light to a generall vewe That there may be nothings wantinge to yeald yo^r full satisfaction. Of Iron Oare Capt. *Tucker* hath taken in some quantitie from a place adioyninge neere vnto vs, and as wee Conceaued fitt to sett vpp a worke, whereas helpe will be readie at hand, yf it proue good, but want of men that Can Judge of the myne, & instruct vs in digginge [for it?] is the Cause that there hath beene none p^rvided from the fallinge Creeke, yf any undertake this worke they shall be fure of our Corne and hog ffelesh, and Beife at as Cheape rates as in *England*, wee haue sent the Transcript of our p^rceedinges, about S^r *Samuell Argolls* Cattle, belonging to M^r *Woodall*, And befeech yo^r hon^{rs} finall decree in the Cause especially in the land called the Gouverno^{rs} land *Southampton* hundred Cattle now after the deuision of S^r *Samuell Argolls* stocke are about 120 head, and their numbers increafinge, It will be needfull, it will be needfull the owners should take order, how and where they should bee kept, *Martins* hundred Cattle wholly perteyneth to S^r *Samuell Argoll*, * * * * the small remaynes of them are restored, *Barkley* hundred Cattle are much encreafed, & the better part of them found belonging to those adventurers * * *. A third of them to S^r *Samuell Argoll*, Wee further pray to be directed concerninge the lands and deuidents heere that a firme establisht may bee made, otherwise aftertymes in the Groath of the Colony will tast the bitter fruit of diffention and not easilie finde remedie, The generall hundreds be vnplanted and vnfupplied, as likewise many planters deuidents, who are dead and no heires to be heard of, w^{ch} will in shourt tyme, cause vs almost to leave this river & goe to free places, wherefore wee thinke it were a les mischeife, that yf they plant them not in Convenient tymes, others may take them, and they to choose their deuidents elsewhere, Soe should wee not vnneecessarilie stragle, in soe disioyned parties, The rents also reserved one [on] the patents should nowe be demaunded, wth the arrerages but wee desire yo^r hon^{rs} instructions for it, And in the rest wee referr you to the Burgeses L^{tes}, The planters are carryed wth a great forwardnes to seeke Trade abroad, to w^{ch} purpose wee haue now 7 or 8 pinnaces & Barques, bound to *New England* and the Northward, In shourt tyme wee shall looke further of, therefore desire that no impedim^t may be put to hinder our free trade, where o^r comodities except our Tobacco will find best vent, wee haue thought good to p^rmitt some to goe to the *Dutch* plantation to furnish our selves wth horses, Assinicoes, sheepe, and aboue all *English* Grayne, of w^{ch} haueinge feed, wee hope it will, appeare, wee shall abound in as full apportion thereof, as now wee doe of Indian Corne, And hereby wee shall be the better acquaynted, wth their trade, and manner of subsistence, who haue so wrongfully intruded vpon our territories, In respect whereof wee pray to be directed, vpon what termes wee shall stand wth them of which wee most humbly desire to be resolved, and in the interim wee will be carefull to obserue yo^r hon^{rs} directions and euer remayne

Yo^r Lorpps most humbly devoted

March 1631

John Harvey
John West
Samuell Mathewes
Willm Clayborne
Wm. ffarrar
Henry finch
Rich Stephens
Nath Baffe
John Utye
Thomas Purifie
W^m Peirce

[From

[From the *Bancroft* Transcripts, *New York* Public Library, IV, 419-420.]

[The 20th Act of the Grand Affembly of 1636/37.]

At a Grand Affembly holden at *James Cittie*
the 20th of *February* 1636.

Present

Sir *John Harvey* Knight, Govern^r &
M^r *Richard Kemp*, Secretary &
Serjeant Major *George Donne*.
Capt: *Thomas Purifye*
Capt: *Henery Browne*
Capt: *John Hobson*
Capt: *Adam Thorowgood*.
M^r *William Brocas*.

Together wth the Burgefes names.

BE yt also Enacted that there be an Office erected and an Officer appointed by the Gov^r and Counsell who fhall keepe Register of all the Tobacco, and other Commodities exported And that his Fee and allowance be two pence Ⓕ cask for the Tobacco, and after the same rate for other goods, w^{ch} is to be payd unto the sayd officer by the Masters of Shippes when they bring in their Invoices to the Office, and to be repayed by the Owners of the goods before the deliverye of them

Extrahit, et Examin Ⓕ *me*

Rich Kemp, Secret:

[From the *Bancroft* Transcripts, *New York* Public Library, V, 1-5.]

[Letter from Secretary *Richard Kemp* to Sir *Francis Windebanke*, dated
April 6, 1638.]

Right Hono^{bl}

Yo^u may please herewth to receive my humble tender of the Acts and the whole proceedings passed in writing this last Affembly. When I first declared the Kings Propositions to them (according as my deuty enjoyned mee) I urged their deuty, together wth the necessitye of their yeilding to them, by instancing how farr their povertye had growen and increased upon them by the continuation of their excessive planting of their Tobaccos, having noe consideration eyther to Commodities of more worthy consequence, or what is greater in Providence to the meanes of subsistence, inferring from thence the benefit of a Contract w^{ch} might afford them a larger proffitt, as also more tyme and Vacancye to attend more noble Indeavors. What wee could winn upon them by all possible meanes wee could use, their Answer in its naturall colours wthowt alteration presented will informe.

Nor doe I conceive (under yo^r Hon^{rs} favour) a Contract will ever be brought to effect if it dependes upon the yeilding of an Affembly. And if it passe otherwyse wthowt obliging all other *English* Plantations I may justly also feare the Ruine & unpeopling of the Colonye.

I beseech yo^r Hono^r to give me leave, owt of my deuty, to informe the more generall voyce of the people heere. They are of late more then heretofore given to affect good buildings, scarce any Inhabitant but hath his garden and Orchard planted.

Few there are but indeavour the raising of Stocks of Cattell or Hoggs or both, wth much labour and paines, considering the neighbourhood of the Salvages, who are ever awake to mischeifs and injuries of spoile, even in the freightest time of peace.

Yf

Yf (fay they) ou^r Tobaccoe from whence wee yett fetch ou^r Maintenance muft fall into a Contract, all flipping will desert us, excepting fome few belonging to the Contractors, where is then the Incouragement to the breeding of Cattell or Hoggs when the meanes whereby to vent them is abridged us. And what is worfe in confequence, the Collonye will in fhort tyme melt to nothing for want of fupplies in people, for of the hundred w^{ch} are yearely tranfported, fcarce any but are brought in as Merchandize to make fale of, nor can the Planters generally better provide, when this yeare they cannot promife to themfelves abilitye to purchafe a fervant the next yeare, nor untill their Crops of Tobaccoe be taken downe. Thus farr, from my deuty to the fervice, w^{ch} I humbly fubmitt to yo^r Hono^{rs} better Iudgment. Refting

Yo^r Hono^{rs} humbly to ferve yo^w

Richard Kemp.

Point Comfort

this 6th of *April* 1638.

(Indorfed)

“To the Right Hono^{ble}

Sr. *Francis Windebank* Knight Principall Secretary to his Ma^{tie} thefe prefent”

[From *Hening's Statutes at Large*, I, 382, 383.]

[Bill of Sale of the fhip *Leopoldus* to *Walter Chiles*.]

WHEREAS the fhip *Leopoldus* of *Dunkirk* hath by the grand affembly of this country been adjudged forfeit and accordingly confifcated according to the act of parliament for increafe of navigation, *Now know all men to whom thefe presents fhall come* that we the fubscribers authorized by the faid Grand Affembly do ffor and in confideration of the fume of four hundred pounds *fterling* paid by Lt. Coll. *Walter Chiles* of this colony for the ufe of this colony before the fealing and delivery hereof acquit and difcharge him, give, grant, bargain, fell affigne and fet over the faid fhip named *Leopoldus* about the burthen of three hundred tuns with her guns, tackle, apparel and ffurniture and whatfoever belongeth or appertaineth to the faid fhip unto the faid Lieut. Coll. *Chiles*, his heirs and affigns for ever, To have and to hold the faid fhip with all her faid guns, tackle, apparel and ffurniture to him the [faid] *Walter Chiles*, his heirs, and affigns for ever without any let, hinderance, moleftation or difturbance of any perfon or perfons whatfoever claiming any right, title or intereft to the faid fhip in the behalf of this colony or the commonwealth of *England*, We hereby in the behalf of the Grand Affembly warranting the fame unto the faid Lieut. Coll. *Walter Chiles*, his heirs, ex'rs. adminiftrators, *In witnefs whereof* we have hereunto fet our hands and feals and caufed this our act to be regifter'd in the records of this colony of *Virginia* the twelveth of *July*, 1653.

Ri. Bennett, Seal.

Wm. Whitby Speaker of the Houfe of Burgefles.

In presentia mea,

Wm. Clayborne, Sec.

Geo. ffletcher.

Robt. Huberd.

John Corker, Cl. to the Houfe
of Burgefles.

[From

[From the Public Record Office, London. S. P. Domestic Interregnum I, 75. pp. 27-28.]

[Letter from *Henry Lawrence*, Lord President, and Council of State to the Governor and General Affembly of *Virginia*.]

Saturday 31th Decembr 1653 afternoone.

| | | |
|---|------------------------------|-----------------------------|
| M ^r Lawrence Lo: Pr ^t | M: G: Defbrow. | S ^r A: A: Cooper |
| M ^r Strickland. | Col: Sydenham. | Col Jones. |
| Col Mountagu | S ^r Cha: Wolfley. | |

Lord Protector present.

* * * * *

A Letter prepared for the Governo^r and Generall Affembly of *Virginia* was now read and approved of.

To the Governo^r and Generall Affembly of the English Plantation of *Virginia*.

Gentlemen.

Colonell *Mathews* the Agent for *Virginia*, hath diligently attended the dispatch of some busineses referring to the peace and settlement of that Colony, The perfecting whereof hath beene obstructed by the many publique affaires here depending. And now it haveing pleased God (who is the great disposer of all humane occurrences) in his great wisdom, and according to the Councill of his owne will, to alter the Government of this Commonwealth, by intrusting the same unto a Lord Protector and Successive Trienniall Parliaments. And *Oliver Cromwell* Captayne Generall of all the forces of this Commonwealth, being declared the present Lord Protector thereof, (as you may perceive by the platforme of government herewth sent you, and the proclamation thereunto annexed, which you are forthwith after receipt hereof, to Cause to be published) address hath been made unto his Highnes by Colonell *Mathews* petition, for the determining of those matters, which have so long depended. Whereupon his Highnes hath been pleased, to put into an effectuall way the speedy resolution of those questions, betwixt the Lord *Baltimore* and the Inhabitants of *Virginia*, concerning the bounds by them respectively claymed, And hath also declared his Intention, with the most convenient speed to settle the government, and other Concernm^{ts} of that plantation, in Such a way as may be for the benefit and security of the Inhabitants, and render it most serviceable to the Commonwealth, & honour of the Commonwealth, wherein you may receive his Highnes particular determination in due tyme. In the interim his Highnes hath thought fit to signifie to you by his Councill, (as he hereby doth) That the safety, protection and welfare, of that plantation, (as well as the rest) is under his serious thoughts, and Care. And to the intent it may not suffer any Inconvenience by the unfixednes of the governm^t His Highnes hath thought fitt to Continue Colonell *Bennet* (of whom his Highnes hath received a good Character) in execution of the place of Governo^r, till his Highnes shall further signifie his pleasure in that behalfe, which you may in probability expect by the next Ships. And till such his further pleasure be declared, his Highnes and the Councill recomend it to you, that the publique peace of the plantation be diligently attended. That Love be cherished, and the great Intereft of Religion be owned and Countenanced, whereby you will ingage Gods Care over you, who alone can make yo^r affaires prosperous, and more oblige this State tenderly to improve their oportunityes for yo^r protection, and encouragement.

Signed in the Name and by order of his Highnes and the Councill.

He: Lawrence Pr^t.

Whitehall 4th Janu^{ry} 1653 [1653/54.]

[S. P. Domestic Interregnum I. 78, p. 358.]

[Order of the Council of State, dated *December* 18, 1657, in reference to appointment of a Governor of *Virginia*.]

Friday 18th of *Decemb^r* 1657.

| | |
|---|---|
| Lord Vifc ^t <i>Lifle</i> in y ^e chaire. | Lord <i>Strickland</i> |
| E. of <i>Mulgrave</i> | Maio ^r Gen ^l <i>Skippon</i> |
| Lo. <i>ffleetwood</i> | M ^r <i>Comptroller</i> |
| S ^r <i>Charles Wolfeley</i> | M ^r <i>Secretary</i> |

* * * * *

COLONELL: *Sydenham* represents from the Committee of the Councell for *Jamaica*, to whom the report from the Committee for his Highness in *America*, concerning *Virginia* was referred, That by the said report, and a paper thereunto annexed, and signed by severall Merchants, trading to *Virginia*, the Governm^t of *Virginia* is set forth, to have beene a long tyme unfettled, by reason whereof, and for want of sufficient Comissions and authorityes from hence the hopefull improvem^{ts} there receive noe advance, or encouragem^t whereupon the said Committee for *America*, doe propose it as necessary, That some fit person be sent thither by his Highness, as Governo^r and doe nominate M^r *Edward Diggs* in that behalfe, as one that would satisfie all partyes and Interests among them, and desire that (the last Ships of this year being forthwith to goe away thither) his Highness will at least nominate a Governo^r, that the Country may have Intelligence thereof, and the minds of all concerned, may be the better satisfied. *Ordered*, That it be offered to his Highness as the advice of the Councell, that his Highness will please to nominate such a person to be Governo^r of *Virginia* as His Highness shall think fit.

[From *Hening's Statutes at Large*, I, 431-432.]

[Order of the Grand Assembly of *March* 1657/58 naming the Governor and Council of *Virginia*.]

Whereas it appears by act of Assembly held at *James Cittie* in *May*, 1652, That it was agreed vpon and thought best by the then commissioners for the parliament, and the Burgeses of the then assembly, That the right of election of all officers of this collony should be and appertaine to the Burgeses, the representatives of the people, *Now know yee*, That wee the present Burgeses of this Grand Assembly have accordingly constituted and ordained the severall persons vnder written to be the Governour, Councill & commissioners of this country of *Virginia* vntill the next Assembly or vntill the further pleasure of the supream power in *England* shall be knowne.

The Honourable *Samuel Matthews*, Esq^r,
Governour and Captain Generall of *Virginia*.

Richard Bennett, Esquire.

Coll. *Wm. Claiborne*, Secretarie of State.

Coll. *John West*,

Lev^t. Coll. *John* [*Walker*]

Coll. *Thomas Pettus*,

Coll. *George* [*Reade*]

Coll. *William Bernard*,

Coll. *Abraham Wood*,

Coll. *Thomas Dew*,

Coll. *John Carter*,

Coll. *Obedience Robins*,

M^r *War^m. Horfmenden*,

Capt. *Henry Perrie*,

Lt. Coll. *Anthony Elliotte*.

Theise three last not to be sworne vntill the defolution of the Assembly.

[From

¹ In the margin of the page on which this entry is written, just opposite the first line of the entry, the following appears: "dd [that is, delivered] M^r *Nutley*. 21. concerning *Virginia*."

[From the Public Record Office, *London*. S. P. Domestic, Interregnum I, 78, pp. 817-818.]

[Order of the Council of State, dated *August 31*, 1658, in respect to
Virginia Affairs.]

Tuesday 31. August 1658.

Lord Pref^t *Lawrence*

Lord *Strickland*

Lo: Visc^t *Lisle*

Lo: *Jones*

Lo: *Sydenham*

Lo: *Wolfeley*

Lo: *Difbrow*

Lo: *Fleetwood*

M^r *Secretary*

* * * * *

ON^r reading the humble petiçon of diverse Merchants, & Planters of his Highness Colony of *Virginia*, shewing the loose, & distracted condiçon of that Colony, and the inconvenience that may ensue if y^e ships now going should depart without some Declaration concerning the settling of the governm^t there, and praying, that y^e Councells pleasure may be signified to the present Governo^r, and Councill, to apply themselves with all possible Care, & circumspection to the peaceable, & orderly mannagem^t of the affaires thereof; as alsoe of the Draught of a Letter prepared according to the Tenor of the said desire. *Ordered*, That a Letter be sent to the present Governo^r & Councill of *Virginia*, to the purport of that now read, The same being as followeth, *viz*^t

Gentlemen^s

His Highness the Lord Protector, from that generall respect, w^{ch} he hath to the good, & safety of all the people of his Dominions, whether in these Nations, or in the *English* Plantaçons abroad, hath extended his Care to his Colony in *Virginia*; The present Condiçon, and affaires whereof appearing under some unsetledness through the looseness of the governm^t, The supplying of that defect hath bene taken into serious Consideraçon, and some resolutions passed in order thereunto; which Wee suppose will be brought into act, soe soone as his Highness (amidst his many great affaires, and concernm^{ts}) shall have an opportunity; In the meane tyme, his Highness Councill have thought fit hereby to assure you, that the settling of that Colony is not neglected, and to let you know, that you may expect shortly to receive a more expresse testimony of his Highness Care in that behalfe; Till the further perfecting whereof, Their Lord^{sh} doe will, and require you, the present Governo^r & Councill there, to apply yo^r selves with all seriousness, faithfulness, & circumspection to the peaceable & orderly mannagem^t of the affaires of that Colony, according to such good Lawes, & Customes (not repugnant to the Lawes of *England*, as have bene heretofore used, & exercised among you; improveing yo^r best endeavo^{rs}, as for maynteyning the civill peace, soe for promoteing the Interest of Religion, wherein you will receive from hence all just Countenance, & encouragem^t And if any person shall presume, by any undue wayes to interrupt the quiet, or hazard the safety of his Highness people there, order will be taken (upon the representaçon of such proceedings) to make further provision, for securing of yo^r peace, in such a way as shall be found meet, & necessary; and for calling those to a strict accompt, who shall endeavo^r to disturb it.

Signed in y^e Name & by order
of the Councill

He: Lawrence Pref^t

Whitehall—

31 Aug: 1658.

[From

¹ In the margin of the page on which this entry appears, opposite the first line, is written the following: "V^o [Vide] y^e lre [letter] foll. concerning the merchants of *Virginia*." The letter referred to does not seem to have been preserved.

² In the margin appears the following: "V^o another Lre Sep. this being vacatted by his H. Death." The letter finally sent is printed on page 115 of this volume.

[From the *Virginia Magazine of History and Biography*, VIII, 396, 397.]

[Several Orders of the *March 1660/61 Assembly.*]

IN regard that Collonel *Manwaring Hammond* doth not proceed on his voyage by reason of ye Governours Comand imposed on him to the contrary, *It is ordered*, That ye Tobacco allreadie paid shall remain to his use, But that ye order for the Eleaven thousand pounds next yeare be Repealed & made void.

Whereas, William Irondall haveing long endeavoured by his Industry to procure a Subfistence & being Embarqued with ye p'duce of his Labour for *England*, was (After much p'fonall Valour, shewed in resiftance & losse of his right Arme) taken in ye fight by the *Spanyards*, And being now returned & addresssing himselfe to this house for Relief, *They have out of Their Charity thought fitt* to Allowe in ye Publique Levy Annually one thousand pounds of Tobacco & Exempcon from Leavys during Life.

Whereas Grace Powell hath complained y^t severall of her husband's creditors have contrary to ye intent of Assemblies Charity, who after ye Death of her husband in ye Countries service against the Indians gave her for her support certaine Tobaccoes in ye Leavy of *Yorke & New Kent*, taken & deteined from her und'r p'tence of debts due from her husband all ye said Tobacco so charitably given, *It is ordered*, that ye Collectors of ye said Tobacco Either deteining it or paying it without her order make repaym'nt of ye same with cofts.

Ordered that *Bridgett Hooker* in regard to her great age & the service done by her husband to ye Publique be annually allowed out of ye Publique Leavie one thousand pounds of Tobacco.

The difference between *Mr Bennett & Mr Langfdale* touching certain troubles, Molestaçons & damages susteined by ye said *Mafter Langfdale* by *Mr Bennett's* means in ye time of his power, *It is ordered*, that ye Cause is Suspended till ye Right Hon'ble *Sr Wm. Berkeley* shall signify his Majesties further pleasure, the cofts be not awarded before judgement be passed upon ye Issue.

Whereas George Hacke had formerly a Commiffion of denizacon granted him in the year Sixteen hundred fifty-eight, And hath petitioned in behalfe of himselfe, his Brother & Children y^t the same might be renewed to him & Conferred on Them. The Grand Assembly hath thought fitt to grant Confirmation thereof on his & their takeing ye oathes of Allegiance & Sup'macie.

Ordered, That in case *Burleigh's & Stanton Ship* come in and there be any Surplufage of ye two shillings after ye Debts of ye Countrey are satisfied, that ye said Surplufage shall be converted to ye purchasing of some of the Countrey Tobacco debts now layd & Lightning ye Leavie.

¹ These orders should have been printed in the volume of the present set of the Journals of the House of Burgesses issued immediately before this one, but were overlooked by the editor.



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GENERAL INDEX

General Index

[This index consists of the several volume indexes, somewhat revised, thrown into one alphabetical arrangement. The different volumes are indicated by the inclusive dates of their contents, printed in heavy type so as to catch the attention. Frequently one personal name represents more than one person. This is more likely than otherwise to be the case where references are given under any one name to the pages of two or more volumes.]

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