



DATE DOWNLOADED: Fri Sep 18 09:14:27 2020

SOURCE: Content Downloaded from [HeinOnline](https://heinonline.org)

Citations:

Bluebook 21st ed.

H. R. (Henry Read) (Editor); Kennedy McIlwaine, John Pendleton (Editor); Virginia. General Assembly. House of Burgesses. Journals of the House of Burgesses of Virginia 1619-1658/59 .

ALWD 6th ed.

McIlwaine, H. Js of the House of Burgesses of Virginia 1619-1658/59 .

APA 7th ed.

McIlwaine, H. Journals of the House of Burgesses of Virginia 1619-1658/59. .

Chicago 7th ed.

McIlwaine H. R. (Henry Read) (Editor); Kennedy, John Pendleton (Editor); Virginia. General Assembly. House of Burgesses. Journals of the House of Burgesses of Virginia 1619-1658/59. , .

McGill Guide 9th ed.

H. R. (Henry Read) (Editor); Kennedy McIlwaine, John Pendleton (Editor); Virginia. General Assembly. House of Burgesses., Journals of the House of Burgesses of Virginia 1619-1658/59 (: .,)

MLA 8th ed.

McIlwaine, H. R. (Henry Read) (Editor), et al. Journals of the House of Burgesses of Virginia 1619-1658/59. , . HeinOnline.

OSCOLA 4th ed.

McIlwaine, H. R. (Henry Read) (Editor); Kennedy, John Pendleton (Editor); Virginia. General Assembly. House of Burgesses. Journals of the House of Burgesses of Virginia 1619-1658/59. , .

Provided by:

Texas Tech School of Law Library

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

A R E P O R T E

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 *Kiccowtan*,

Captaine *William Tucker*,

William Capp,

For *Martin-Brandon* Cap^t. *John Martins* Plantⁿ

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

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 Counſel of Eſtate ſate nexte him on both handes excepte onely the Secretary then appointed Speaker, who ſate 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 Burgeſſes 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 ſoe wee might proceed wth awful and due reſpecte towards his Lieutenant, our moſt gracious & dread Sovereigne, all the Burgeſſes 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 ſeated 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 Burgeſſes for all. So Captaine *Warde* was comāded 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 Burgeſſes Exception was taken ag^t Cap^t *Warde* as having planted here in *Virginia*, without any authority or comiſſion from the Trefurer 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 Burgeſſes 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 & Burgeſſes 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 Trefurer & Counſell & Company in *Englande* a comiſſion lawfully to eſtabliſhe & plant himſelfe & his Company, as the Chieſes 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^t, by the voices of the whole Affembly firſt admitted to take the oath 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* Burgeſſes ſhoulde have any place in the Affembly, for as muche as he hath a claufe 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 claufe 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, & comānde 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 comānde 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 Burgeses 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 Burgeses & 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 Burgeses should withdraw 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 Burgeses should be readmitted, otherwise they were utterly to be excluded, as being spies, rather than loyal Burgeses; 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 ag^t Captaine *Martin* that having sente his Shallop to trade for corne into the baye under the commaunde of Ensigne *Harrison*, the said Ensigne shoulde affirme to one *Thomas Davis*, of *Paspheighs*, Gent (as the said *Thomas Davis* deposed upon oathe) that they had made a harde voyage, 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 said 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 *Opoehancano* 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 ag^t 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 shoulde 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^{ae} *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 greates Charter or comission of priviledges, orders & lawes sente 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 perusall of twoe Committees, 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 nothinge but our assente there unto. To this we answered, 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 Committees 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 Douse</i> , |
| 7. <i>Samuel Jordan</i> , | 8. M ^r <i>Boys</i> . |

The names of the Committees 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>Jackfon</i> . |

These Committees thus appointed, we brake up the first forenoons Assembly.

After dinner the Governo^r and those that were not of the Committees fate a seconde time, while the said Committees were employed in the perusall of those twoe bookes. And whereas the Speaker had propounded fower severall objects for the Assembly 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 conceipte of any of the Burgeffes, or any other of the Colony; & lastly what petitions were fitt to be sente 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 Committee. Wherein after having spent some three houres conference, the twoe Committees 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 establish one equall & uniforme kinde of government over all *Virginia* &c) w^{ch} the whole Assembly, 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 Committees, it was agreed, those Petitions ensuing should be framed, to be presented to the Treasurer Counsel & Company in *England*. Upon the Committees perusall of the first Book, the Generall Assembly, 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 Comission so to doe, might not nowe, after so muche labour & cofte, & so many yeares habitation be taken from them. And
to

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 Assembly framed by the Comittees out of the second book is, that the Trefurer & 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 Counfel 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 Assembly to the Trefurer, 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 fortes, viz., fuche as before Sir *Thomas Dales* departure were come hither upon their owne charges, and fuche also as were brought hether upon the Companies coste, maye have their second, third, & more divisions successefully 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 Trefurer Counsell & Company that they would be pleased to appoint a Sub-Trefurer 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 Trefurer in *England*, & that they would enjoin the said Sub Trefurer 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 fift Petition is to beseeche the Trefurer the Counsell & Company, that towards the erecting of the Univerfity and Colledge, they will fende, when they shall thinke most convenient, workmen of all fortes fitt for that purpose.

The fixte 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 Comittees out of the two former bookes w^{ch} the whole general Assembly in maner & forme above sett downe doe most humbly offer up and present to the favourable construction of the Trefurer Counsell & Company in *England*,

These petitions thus concluded on, those twoe Comittees 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 fuche 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 Assembly 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 Assembly; 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 Trefurer, 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 fuche instructions given by the Counsell in *England* to severall Gover^{ns} 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 Mr *Abraham Persey*, the Cape Marchant to publish this instruction to him, & to demand of him if he knew 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 Magazine in *England*, And notwithstanding he saw the authority was good, yet he was unwilling to yield, till such time as the Gov^r & Assembly had laid their commandment upon him, out of the authority of the foreaid Instructions as followeth:

By the General Assembly

We will & require you, Mr *Abraham Persey*, Cape Marchant, from this day forward to take notice, that according to an article in the Instructions confirmed by the Treasurer, Counsell & Company in *England* at a General quarter Court, both by voices and under their hands & the Common seal, and given to Sir *George Yeardley*, Knight, this present governor, Dec^r 1, 1618, that you are bound to accept of the Tobacco of the Colony, either for commodities or upon bills at three shillings the best, & the second sort at 18d the pounce, and this shall be your sufficient discharge.

James City 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 personal appearance at the bar, 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, & endeavoured 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 enemy. 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 now 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 ground, 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 Affembly 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 Affembly therefore humbly beseecheth their Lops & 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 & immunities 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 grounde & reason their L^{ops} together with the rest of the Counsell & Company, are humbly besought by the Generale Affembly, 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^{ll} besides doth claime 500 acres a share: that the Treasurer, Counsell & 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 premisses 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}

Counsell of *Virginia* in *England* to My Lo: *La warre*, Captaine *Argall*, & Sir *George Yeardly*, knight.

By this present General Affembly 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 Affembly hath enacted as followeth

First in detestation of Idlers, be it enacted, that if any man be founde, to live as an Idler or runagate 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 Affembly, that the winner or winners shall lose all his or their winnings & both winners & loofers shall forfeite 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 reprooved privately by the Minister, the second time, publicely, 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 such severe punishment, as the Govern^r & 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 reprooved in the Church by the minister, & the third time he shall first be committed & then degraded. Provided it be understood, that the Govern^r hath alwaies power to restore him, when he shall, in his discretion thinke fitt

Against

Against exceſſe of apparell, that every man be ceſſed in the Church for all publique contributions, if he be unmarried according to his owne apparell, 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 enjoin, 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 ſixe 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 houſeholders, 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 ſeated upon his diviſion, doe for ſeven yeares together every yeare plante & maintaine in growth ſixe 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 Subject 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 encreaſed. And whoſoever do faile in the performance of this ſhall be ſubject to the puniſhment of the Governour & Councell of Eſtate.

For hempe alſo both *Engliſhe* & Indian, & for *Engliſhe* Flaxe & Annifeeds, wee doe require & enjoin all houſeholders 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 Vigner^{on}. And that upon what penalty ſoever, the Govern^r & Councell of Eſtate ſhall think fitt to impoſe upon the neglecters of this Acte.

Be it alſo enacted, that all neceſſary tradefmen, 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 qualite of his trade & worke, to be eſtimated, if he ſhall not be contented, by the Govern^r & Officers of the place where he worketh.

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

and Servantes w^{ch} they shall send hither, may bee caused to be duly performed, and that the offenders be punished as the Gover^{nr} & 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 forefaid Hundreds. Hitherto the Order.

All the general Affembly by voices concluded not only the acceptance & obfervation of this Order, but of the Inftitution 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 befides 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 Customers 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 Inftitutions.

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 loss & prejudice of the said Captaine, and for openly and impudently abusing his House, in fight both of Master and Mistresse, through wantonnes wth a woman servant of theirs, a widdowe, but also for falsely accusing him to the Govern^{or} both of Drunkenness, & Theft, & besides for bringing his fellow servants to testifie 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, fryday, & Saturday* next following, & every of those fower days should be publicquely 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 past, 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) read 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 against, 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 fell or give any Indians any piece fhott, or poulder, or any other armes offensive or defensive, upon paine of being held a Traytour to the Colony, & of being hanged, as foon as the fact is proved, wthout all redemption.

That no man do fell or give any of the greater howes to the Indians, or any *English* dog of quality, as a Maftive, Greyhound, Blood hounde lande, or water Spaniel, or any other dog or bitche whatfoever, of the *English* race, upon paine of forfeiting 5 ¹¹ *sterling* to the publique ufes of the Incorporation where he dwelleth.

That no man may go above twenty miles from his dwelling place, nor upon any voiage what foever fhall be abfent from thence for the fpace of feven dayes together, wthout firft having made the Govern^{or} or comander of the fame place acquainted therewith upon paine of paying twenty fhillings to the publique ufes of the fame Incorporation, where the party delinquent dwelleth.

That no man fhall purpofely goe to any Indian townes, habitations, or places of refort, wthout leave from the Gover^{nor} or comander of that place where he liveth upon paine of paying 40^s to publique ufes as aforefaid.

That no man living in this Colony, but fhall between this and the firft of *January* nexte enfuing come or fende to the Secretary of State, to enter his own & all his fervants names, & for what terme, or upon what conditions they are to ferve, upon penalty of paying 40^s to the faid Secretary of State. Alfo whatfoever M^{rs} or people doe come over to this plantation, that within one month of their arrivall (notice being firft given them of this very Lawe,) they fhall likewife reforte to the Secretary of State & fhall Certifie him upon what termes or conditions they be come hither, to the ende that he may recorde their grauntes and comiffions, and for how long time and upon what conditions their fervants (in cafe they have any) are to ferve them, and that upon paine of the penalty nexte above mentioned.

All Minifters in the Colony fhall once a year namely in the moneth of *Marche*, bring to the Secretary of Eftate a true account of all the Chriftenings, burials, & marriages, upon paine, if they faile, to be cenfured for their negligence by the Governour & Councell of Eftate Likewife where there be no minifters, that the comanders of the place doe fupply the fame duty.

No man wthout leave from the Governour fhall kill any Neat cattle whatfoever, young or olde, efpecially kine, Heyfurs or Cowcalves, & fhall be carefull to preferve their Steers & Oxen, & to bring them to the plough & fuch profittable ufes, & wthout having obtained leave as aforefaid fhall not kill them upon penalty of forfeiting the value of the Beaft fo killed.

Whofoever fhall take any of his neighbours boates, oares, or canoas wthout leave from the owner fhall be helde and efteemed as a felon and fo proceeded againft; alfo hee that fhall take away by violence or ftealth any canoas or other thinges from the Indians fhall make valuable reftitution to the faid Indians, and fhall forfait, if he be a freeholder, five pound; if a fervant 40^s, or endure a whipping: and anything under the value of 13^d fhall be accounted Petty larceny.

All minifters fhall duely read divine fervice, and exercife their minifterial function according to the Ecclefiafticall Lawes and orders of the church of *Englande*, and every *Sunday* in the afternoon fhall Catechize fuche as are not yet ripe to come to the Communion. And whofoever of them fhall be found negligent or faulty in this kinde fhall be fubject to the cenfure of the Govern^r and Councell of Eftate

The Minifters and Churchwardens fhall feeke to prevente all ungodly diforders; the comitters whereofe if, upon goode admonitions and milde reproofe they will not forbear the faid skandalous offences, as fufpicions of whoredoms, difhoneft company keeping with weomen and fuch like, they are to be prefented and punifhed accordingly.

If any perfon after two warnings, doe not amende his or her life in point of evident fufpicion of Incontinency or of the comiffion of any other enormous finnes, that then he or fhee be prefented by the Churchwardens and fufpended for a time from the church by the minifter. In w^{ch} Interim if the fame perfon do not amende and humbly fubmitt
him

him or herselfe to the churche, he is then fully to be excommunicate and soon after a writt or warrant to be sente 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 fwearing, 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 churche 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 himself 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 forfait three shillings a time to the use of the Churche, 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 magistrate & 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 imbarcked, shall abandon the ship he is appointed to come in, & so being left behind, 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 denyed. 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 Affembly, & was examined by a relation upon oath of one *Robert Poole* Interpreter what conference had passed between the said *Spelman* & *Opochancono* at *Pooles* meeting with him in *Opochanconos* courte. *Poole* chardgeth him, he spake very unreverently & maliciously ag^t this present Govern^r wherby the honour & dignity of his place & person, & so of the whole Colonie, might be brought into Contempte, by w^{ch} meanes what mischiefs might ensue 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 denyed, excepte onely one matter of importance, & that was, that he had informed *Opochancono*, 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 *Opochancono* from this present Governour, & brought him in much disesteem both wth *Opochancono* & the Indians, & the whole Colony in danger of their Slippery designs.

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 much excepted ag^t) 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 ag^t him by diverse of the Asssembly. But in fine the whole courte by voices united did incline 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^l & to Captaine *William Powell* at Captaines *Argalls* appointment, for the payment of 50^l 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 ground, & 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^l to be cancelled; forasmuch as in their great comission they have expressly & by name appointed that place of *Paspapeigh* for parte of the Governours Lande. And whereas Captain *William Powell* is payde his 50^l w^{ch} Captaine *Argall* enjoined the saide Inhabitantes to presente him with, as parte of the bargain, 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^l 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

a

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 Burgeses 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 Burgeses, 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 Burgeses 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 so 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 supparte 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 currant & 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 servitude 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 suite Sir *George Yeardly* the Gover^{nr} 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 mispelling of "swinge," which is an obsolete word meaning sway, or power.