

THE “GREAT CHARTER” AND THE FIRST GENERAL ASSEMBLY

In 1618 the Virginia colony and the Virginia Company were struggling with few profits for investors, a high death rate, inadequate finances and quarrelling leadership. The Company’s leader, Sir Thomas Smythe, was replaced with Sir Edwin Sandys. Sandys believed that profit could only come from producing commodities other than tobacco for markets in England. He also felt that more of England’s traditional institutions should be established in Virginia to make settlement more appealing.

When the Company appointed a new governor for the colony in 1618, Sir George Yeardley, it also established a group of instructions that described the changes Sandys and others directed Yeardley to make upon his arrival there. This set of “Instructions to George Yeardley,” sometimes called the “Great Charter,” was not a charter from King James I, as the previous ones had been. It actually was written and approved by the Virginia Company leadership. The instructions included the replacement of military law (implemented in 1610) with English common law, an improved local administration in the various settlements in the colony, and a new land policy that allowed settlers to own land and work for themselves. It also called for the election of settlers to attend a “General Assembly,” so that they could “establish one equal and uniform government over all Virginia” and pass “just laws for the happy guiding and governing of the people there inhabiting.”

Governor Sir George Yeardley arrived in Virginia in 1619, and soon thereafter, called for the selection of two representatives from each of the eleven major settlement areas. It is not known how the representatives to the first General Assembly were selected. However, it appears that, for most of the century, all free males could vote. This did not include indentured servants. By the late 1670s voting was specifically restricted to property owners. The office of burgess, a representative of the people, was the only elected position in Virginia—council members and county judges were appointed.

The 1619 Assembly was to be comprised of the two representatives from each of the eleven areas, known as burgesses, sitting with the governor and his appointed council. The burgesses would not meet as a separate body until the 1640s. They always had to meet with the governor and his Council of State, and the governor could veto legislation or dissolve the Assembly.



The men selected in 1619 came to Jamestown and began their meeting in the church on July 30. After each person took an “oath of Supremacy” to King James I, the Assembly decided on the qualifications of the members. They determined that the two representatives from Captain John Martin’s plantation could not sit in the Assembly because of a clause in Martin’s land patent that allowed him special privileges and exemptions that no other planter had received. He did not have to obey any laws passed for the colony. The Assembly had determined that a person could not be “above the law,” and asked him to obtain a new patent that conformed to those of other plantations. His representatives could not be seated until he complied. The members then formed committees. Some of the committees were to report on regulations sent by the Virginia Company officials in England. Other committees were to form new regulations that could be discussed and passed for the colony’s operation.

The Assembly approved the orders sent by the Virginia Company leadership. Some of these pertained to the new policy of land distribution; other established a selling price for tobacco. They then discussed and passed legislation on a number of key topics. These included laws forbidding the oppression of the Indians, and laws punishing idleness, gaming at dice and cards and drunkenness. They approved laws dealing with the regulation of the types of crops farmers should grow, ways of dealing with indentured servants, regulating trade with the Indians and giving instructions to ministers and church wardens. The last act stipulated that funds be collected to pay for the services of the Speaker of the Assembly and the clerks and other officers.

In other action, the members acknowledged the right of colonists to petition the General Assembly for redress of grievances, and also the right of the Assembly to petition the Virginia Company. The General Assembly also served as a high court of law, and heard and passed judgment on several cases during its first meeting. In following years, courts were established in outlying settlements for minor offenses, but major cases were brought before the Assembly meeting as a court of law.

The Assembly ran for six days before it was closed on August 4, mainly due to the intense heat of that Virginia summer. In fact, one member died due to the heat during the session. But in those six days, the body of representatives spoke for themselves in establishing policies for their own governance, subject to the approval of the Virginia Company (a power given to the Company by the King).

Although the reforms of 1618 and the General Assembly of 1619 produced some results, funding and implementation were always difficult. After a devastating war with the Powhatan Indians in 1622, fewer English were willing to take the risk of going to Virginia. The cost of the war, the lack of profits produced by the colony for the stockholders, infighting among Company officials as to the colony’s proper direction, and mismanagement of Company funds caused King James I to revoke its charter in 1624. Virginia became a royal colony. The King’s Privy Council now controlled Virginia, and he appointed the governor.

The General Assembly met only sporadically in the first years of royal government. When it did gather, elected burgesses continued to meet with the governor and his Council of State in the General Assembly. When Governor William Berkeley came to Virginia, however, he began allowing the burgesses to meet as a separate house in 1643. Thereafter, the power of the House of Burgesses slowly grew as a foil against the governor and his advisors who represented royal authority.

The seed had been planted. Representation of the will of the people had begun. These members of the Assembly had transferred their English heritage of the rights of man and limits on an arbitrary ruler established under Magna Charta to their New World colony. They brought the concept of parliamentary government to Virginia, and their General Assembly gradually evolved into a two-house form of government. The House of Burgesses faced challenges through several difficult colonial governors, but it grew politically stronger towards the end of the 17th and into the 18th century. This bicameral legislature continues today as Virginia’s General Assembly. It became the model for other English colonies and eventually the basis for the democratic government of the United States of America.

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