

Transcription:
The Proceedings of the General Assembly of Virginia
July 30 – August 4, 1619

Mr Pory out of Virginia.

1619

The proceedings of the first assembly of Virginia. ~July 1619

A reporte of the manner of proceeding in the Gen-eral assembly convented at James citty in Virginia, July 30. 1619. consisting of the Governour the Counsell of Estate, and two Burgesses elected out of eache Incorporation and plantation; & being dissolved the 4th of August next ensuing.

First Sir George Yeardley knight Governour & Captaine general of Virginia having sente his summons all over the Country, as well to invite those of the Counsell of Estate that were absente, as also for the election of Burgesses there were chosen and appeared.

For James citty

Captaine William Powell,
Ensigne William Spense.

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 Capt. John Martins plantation

Mr. Thomas Davis.
Mr. Robert Stacy.

For Smythes hundred

Captain Thomas Graves,

Mr. Walter Shelley.

For Martins hundred

Mr. John Boys

John Jackson.

For Argals guifte

Mr. Pawlett

Mr. Gourgainy.

For Flowerdieu hundred

Ensigne Rossingham

Mr. Jefferson.

For Captain Lawnes plantation.

Captain Christophor Larne,

Ensigne Washer.

For Captaine Wardes plantation

Captain Warde

Lieutenant Gibbes.

The most convenient place we could finde to sitt in was the Quire of the church. Where Sir George Yeardeley the Gover-nour 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 assembly being placed nexte the Speaker, and Thomas Pierse the sergeante standing at the barre, to be ready for any service the Assembly should commaund him. But forasmuche as mens affaires doe little prosper, where Gods service is neglected; all the Burgesses tooke their places in the Quire, till a prayer was said by Mr. Bucke the Minister, that it would please God to guide & sanctifie all our proceedinges, to his owne glory, and the good of this plantation. Prayer being ended, to the intente that as we had begun at God Almighty, so we might proceed with awfull & due respectes towardes his Lieutenant our most gracious and dread Sovereigne, all the Burgesses were intreated to retyre themselves into the body of the Church; which being done, before they were fully admitted, they were called in order and by name, and so every man (none staggering at it) tooke the oathe of Supremacy, entred the Assembly. At Captaine

Warde the Speaker took exception, as at one that without any Commission or authority, had seated himselfe either upon the Companies, and then his Plantation could not be lawfull, or on Captain 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 commanded to absente himselfe, till such time as the Assembly had agreed what was fitt for him to doe. After muche debate they resolved on this order following an order concluded by the General assembly concerning Captaine Warde July 30th 1619 at the opening of the said Assembly.

At the reading of the names of the Burgesses Exception was taken against Captain Warde, as having planted here in Virginia with-out any authority or commission from the Tresurer, Counsell and Company in Englande. But considering he had bene at so great chardge and paines to augmente this Colony, and had adventured his owne person in the action, and since that time had brought home a good quantity of fishe to relieve the Colony by waye of trade; and above all, because the commission for authorizing the General Assembly admitteth of two burgesses out of every plantation, without restraite or exception. Upon all these con-siderations the Assembly was contented to admitt of him and his Lieutenant (as members of their body & Burgesses) into their society. Provided that the said Captaine Warde with all expedition, that is to saye, between this and the nexte generall assembly (all lawfull impediments excepted) should pro-cure from the Tresurer, Counsell and Company in England a com-mission lawfully to establishe & plant himselfe and his Company, as the Chieffs of other plantations have done. And in case he doe neglect this, he is to stande to the Censure of the nexte generall assembly. To this Captain Warde, in the presence of us all, having given his consente, and undertaken to performe the same, was together with his Lieutenant by voices of the whole Assembly first admitted to take the oath of Supremacy, and then to make up their number, and to sitt amongst them.

This being done, the Governour himselfe alledged that before we proceeded any farther, it behooved us to examine, whither it were

fitt, that Captaine Martins Burgesses should have any place in the Assembly, forasmuche as he hath a clause in his Patente which doth not onely exempte him from that equality and uniformity of lawes and orders, which the great charter saith, are to extende over the whole Colony; but also from diverse suche lawes as we must be inforced to make in the General assembly. That clause is as followeth. Item that it shall and may be lawfull to and for the said Captain John Martin, his heyers, Executours, and Assignes to governe & commaunde all suche person or persons, as at this time he shall carry over with him, or that shalbe sente him hereafter, free from any commaunde of the Colony, excepte it be in ayding and assisting the same against any forren or domestical enemy.

Upon this 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 Captain Martins
Patent at James citty July 30 1619.

After all the Burgesses had taken the oath of Supremacy, and were admitted into the house, and all sett downe in their places, a Copie of Captaine Martins Patent was produced by the Governour out of a clause wherof it appeared, that when the general assembly had made some kinde of lawes requisite for the whole Colony, he and his Burgesses and people might deride the whole company, and chuse whether they would obaye the same or no. The authority of Captaine Martins Patent graunted by the Counsell & Company under their Common seale being of an higher condition, and of greater force then any acte of the General Assembly. It was therfore ordered in courte, that the foresaid two Burgesses should withdrawe themselves out of the assembly, till suche time as Captaine Martin had made his personall appearance before them. At what time if upon their motion he would be contente to quitte and give over that parte of his Pat-ente, and contrary therunto woulde submitte himselfe to the gen-eral forme of governemente, as all others did, that then his Bur-gesses

should be readmitted; otherwise they were utterly to be excluded, as being spies, rather than loyal Burgesses; because they had offered themselves to be assistant at the making of lawes, which both themselves, and those whom they represented might chuse whether they would obaye or not.

Then came there in a complainte against Captain Martin that having sense his shallop to trade for corne into the baye under the commaunde of one Ensigne Harrison, the saide Ensigne should affirme to one Thomas Davis of Paspahighs gent. (as the said Thomas Davis deposed upon oathe) that they had made a harde voiage, had they not mett with 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 with their armes, and tooke it by force, measuring out the come with a haskett they had, into the shallop, and (as the said Ensigne Harrison saith) giving them satisfaction in copper, beades, and other trucking stuff. Hitherto Mr. Davys upon his oath.

Farthermore it was signified from Opochancano to the Governour, that those people had complained to him to procure them justice. For which considerations, and because suche outrages as this might breed danger and losse of life to others of the Colony, which should have leave to trade in the baye hereafter, and for prevention of the like violences against the Indians in time to come, this order following was agreed on by the General assembly.

A second order against Captain
Martin. At James citty July 30 1619.

It was also ordered by the Assembly the same daye, that in case Capitaine Martin and the ging of his shallop could not throughly' answeere an accusation of an outrage committed against a certaine Canoa of Indians in the baye, that then it was thought reason (his Patent notwithstanding, the authority wherof he had in that case abused) he shoulde from henceforth take leave of the

Gouverneur, as other men, and should putt in security, that his people shall committe no suche 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 Governour, and general
assembly of Virginia.

Captaine Martine, we are to requeste you upon sight hereof with all convenient speed to repaire hither to James citty to treatt and conferre with us about some matters of especial importance, which concerne both us, and the whole Colony, and your selfe. And of this we praye you not to faile.

James citty July 30. 1619.

To our very loving friend Captain John Martin Esquire Master of the Ordinance.

These obstacles remooved, 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. Which done, he read unto them the commission for establishing the Counsell of estate and the general Assembly, wherein their duties were described to the life.

Having thus prepared them, he read over unto them the great charter or commission of priviledges, orders and lawes sente by Sir George Yeardley out of Englande. Which for the more ease of the Committies having divided into fower books, he read the former two the same forenoon, for expeditions sake, a second time over; and so they were referred to the perusall of twoe Committies, which did reciprocally consider of either, and accordingly brought in their opinions. But some man may here objecte; to what ende we should presume to referre that to the examination of Committies, which the Counsell and Company in England had already resolved to be perfect and did expecte nothing but our assente therunto? To this we answer, 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 with the state of this Colony, or any lawe which did presse or binde too harde, that we might by waye of humble petition seeke to have it redressed; especially because this great charter is to binde us and our heyers for ever.

The names of the Committies for perusing the first booke of the fower.

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| 1. Captain William Powell. | 2. Ensigne Rosingham. |
| 3. Captaine Warde. | 4. Captaine Tucker. |
| 5. Mr. Shelley. | 6. Thomas Douse. |
| 7. Samuel Jordan. | 8. Mr. Boys. |

The names of the Committies for perusing the second booke.

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| 1. Captaine Lawne. | 2. Captaine Graves. |
| 3. Ensigne Spense. | 4. Samuel Sharpe. |
| 5. William Cap. | 6. Mr. Pawlett. |
| 7. Mr. Jefferson. | 8. Mr. Jackson. |

These committies thus appointed, we brake up the first for noons assembly.

After dinner the Governour and those that were not of the Committies sate a seconde time, while the said Committies were employed in the perusall of those twoe bookes. And wheras the Speaker had propounded fower several objects for the Assembly to consider on; namely first the great charter of orders, lawes, and priviledges; Secondly which of the instructions given by the Counsel in England to my lord la warre, Captaine Argall, or Sir George Yeardley might conveniently putt on the habit of lawes: Thirdly what lawes might issue out of the private concepte of any of the Burgesses or any other of the Colony; and lastly what petitions were fitt to be sente home for England: It pleased the Governour for expeditions sake, to have the second Objecte of the fower to be examined & prepared by himselfe and the Non Committies. Wherin after having spente some three howers conference, the two Committies brought in their opinions concerning

the twoe former bookes (the second of which beginneth at these wordes of the Charter: And forasmuche as our intente is to establish one equall and uniforme kinde of government over all Virginia, &ct.) which the whole Assembly, because it was late, deferred to treatt of, till the next morning.

Saturday July 31.

The nexte daye therfore out of the Opinions of the said Committies it was agreed, these petitions ensuing should be framed, to be presented to the Treasurer Counsel, & Company in England. Upon the Committies perusall of the first book the General Assembly doe become most humble suitours to their lord-ships, and to the rest of that honourable Counsell and renowned Company, that albeit they have bene pleased to allotte unto the Governour to themselves together with the Counsell of Estate here, and to the officers of Incorporations, certain lardge portions of lande to be layde out within the limites of the same; yet that they woulde vouchsafe also, that suche groundes as heretofore had bene granted by patent to the antient Planters by former Governours, that had from the Company received Commission so to doe, might not nowe, after so muche labour and coste, and so many yeares hab-itation 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 mean to graunte this our petition) as to sende us notice, what commission or authority for graunting of landes they have given to eache particular Governour, in times paste.

The second Petition of the General assembly framed by the Committies out of the second book is: That the Treasurer & Company in England would be pleased, with as muche convenient speed as may be, to sende men hither to occupie their landes belonging to the fower Incorporations, as well for their owne behooffe and proffitt, as for the maintenance of the Counsell of Estate, who are nowe to their extream hinderance often drawn far from their private busines: and likewise that they will have a care to sende tenants to the Ministers of the fower Incorporations

to manure their gleab, to the intente that the allowance they have allotted them of 200£ a yeare may the more easily be raised

The thirde petition humbly presented by this General assembly to the Treasurer, Counsell, & Company is, that it may plainely be expressed in the great Commission (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 chardges, and suche also as were brought hither upon the Companies coste, maye have their second, third, and more divisions successively in as lardge and free manner as any other Planters. Also that they wilbe pleased to allowe to the male children of them and of all others be-gotten in Virginia, being the onely hope of a Posterity, a single share a piece, and shares for their wives as for themselves; be-cause that in a newe plantation it is not knowen, whether man or woman be the more necessary.

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

The fifte petition is to beseeche the Treasurer Counsell & Company that towards the erecting of the University and Colledge they will sende, when they shall thinke most convenient, work-men of all sortes fitt for that purpose.

The sixte and taste is, they wilbe pleased to change the savage name of Kiccowtan, and to give that Incorporation a newe name.

These are the severall petitions drawn by the Committies out of the two former booties, which the whole general assembly in maner and forme above sett downe doe must humbly offer up and presence to the favourable construction of the Treasurer, Counsell and Company in England.

These petitions thus concluded on, those twoe Committies brought in a reporte, what they had observed in the two latter bookes, which was nothing else, but that the perfection of them was suche, as they could finde nothing therin subject to exception. Onely the Governours particular opinion to my selfe in private hathe bene, as touching a clause in the third booke, that in these doubtfull times between us and the Indians, it would behoove us not to make so lardge distances between Plantation and Plantation as ten miles, but for our more strength and 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 ques-tion; and so it had both the general assent, and the applause of the whole assembly; who as they professed themselves in the first place most submissely thankfull to almighty god therfore; so they commaunded the Speaker to returne (as nowe he doth) their due and humble thanks to the Treasurer Counsell and company for so many priviledges and 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 several Governours as might be converted into lawes, the last wherof was the establishment of the price of Tobacco, namely of the best at 3 s. and of the second at 18 d. the pounce. At the reading of this the Assembly thought good to send for Mr. Abraham Persey the Cape marchant to publishe this instruction to him, and to demaunde of him, if he knewe any impediment, why it might not be admitted of? His answere was, that he had not as yet received any suche order from the adventurers of the Magazin in England. And notwithstanding he sawe the authority was good, yet was he unwilling to yield, till suche time as the Governour and Assembly had layd their commandement upon him, out of the authority of the foresaid Instructions, as followeth.

By the General Assembly.

We will and require you Mr. Abraham Persey Cape Marchant, from this daye forwarde to take notice, that according to an ar-ticle in the Instructions confirmed by the Treasurer Counsel and Company in England at a general quarter courte, both by voices, and under their handes and Common seale, and given to Sir George Yeardley knight this present governour Decemb. 1. 1618. that you are bounde to accepte of the Tobacco of the Colony either for commodities, or upon billes, at three shillings the beste, and the second sorte at 18 d. the pounde, and this shalbe your suffi-cient dischargd. 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 Committies, viz the general Instructions to the first Committie, 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 Burgesses deceased

Munday Aug. 2.

Captain John Martin (according to the summons sent him on Fryday July 30.) made his personall appearance at the barre, whenas the Speaker having first read unto him the Orders of the Assembly that concerned him, he pleaded lardgely for himselfe to them both, and indevoured to answeare some other thinges that were objected against his Patente. In fine being demanded out of the former order, whether he would quitte that clause of his Patent, which (quite otherwise then Sir William Throckmortons, Captain Christophor Lawnes, and other mens patentees) exempteth himselfe and his people from all

services of the Colonie, excepte onely in case of warre against a forren or domesticall enemie: His answere was negative, that he would not infringe any parte of his Patente. Wherupon it was resolved by the assembly, that his Burgesses should have no admittance.

To the second order his answere was affirmative, namely that (his Patent notwithstanding) whensoever he should send 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 farther ordered by the Assembly that the Speaker in their names should (as he nowe doth) humbly demaunde of the Treasurer, Counsell, and Company an exposition of this one clause in Captain Martins Patente, namely where it is saide, That he is to enjoye his landes in as lardge and ample manner to all intentes and purposes, as any lord of any manours in England doth holde his grounde; out of which some have collected, that he might by the same graunte protecte men from paying their debtes, and from diverse other dangers of lawe. The least the Assembly can alledge against this clause is, that it is obscure, and that it is a thing impossible for us here to knowe the prerogatives of all the manours in Englande. The Assembly therefore humbly beseecheth their lordships and the rest of that honourable bourde; that in case they shall finde any thing in this or in any other parte of his graunte, wherby 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 with equal' favour, & graunts of like liberties & immunities as neer as may be, to the ende that all complainte of partiality and unindifferency may be avoided) might in any sorte be contradicted: or the uniformity and equality of lawes and orders extending over the whole Colony

might be impeached; That they would be pleased to re-moove any suche hinderance, as may diverte out of the true course the free and publique current of Justice.

Upon the same ground,c and reason their lordships together with the rest of the Cowbell and Company, are humbly besought by this general assembly, that if in that other clause which exempteth Captaine Martin and his people from all services of the Colony &ct. they shall fincic any resistance against that equality and uniformity of lawes and orders intended nowe by them to be established over the whole Colony, that they would be pleased to reforme it.

In fine wheras Captain Martin for those ten shares allowed him for his personal adventure, and for his adventure of 70£ besides, cloth claime 500. acres a share; that the Treasurer, Counsell and Company woulde vouchsafe to give notice to the Governour here, what kinde of shares they meante he should have, when they gave him his Patent.

The premisses about Captaine Martin thus resolved, the Com-mitties appointed to consider, what Instructions are Litt to be converted into lawes, brought in their opinions, and first of some of the general Instructions.

Here begin the lawes drawn out of
the Instructions given by his Majesties
Counsell of Virginia in England to
my lord la Warre, Captain Argall
and Sir George Yeardley knight.

By this present gencrall Assembly be it enacted, that no injury or oppression he wrought by the Englishe against the Indians, wherby the present peace might be disturbed and antient quarrel's might be revived. And farther be it ordained, that the Chico-homini are not to be excepted out of this lawe; untill either that suche order come out of Englande, or that they doe provoke us by Illsome newe Injury

Against Idlenes, Gaming, durunkenes, & excesse in apparell, the Assembly hath enacted as followeth.

First in detestation of Idlenes be it enacted, that if any man be founde to live as an Idler or runagate, though a freedman, it shalbe lawful] for that Incorporation or Plantation to which he belongeth, to appoint him a Master to serve for wages, till lie shove apparant signes of amendment.

Against gaming at dice & Cardes be it ordained by this present assembly, that the winner or winners shall loose all his or their winninges, and both winners and losers shall forfaitte ten shill-mgcs a man, one ten shillings wberof to go to the discoverer,' and the rest to charitable & pious uses in the Incorporation where the faulte is committed.

Against drunkenes be it also decreed, that if any private person be found culpable therof, for the first time he is to be reprooved privately by the Minister, the second time publiquely; the thirde time to lye in boltes 12. howers in the house of the Provost Marshall, & to paye his fee; and if he still continue in that vice, to undergo such severe punishment, as the Governour and Counsell of Estate shall thinke 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 he reprooved in the churche by the minister; and the third time he shall first be committed; and then degraded. Provided it be understood, that Governour hath alwayes power to restore him, when he shall in his discretion thinke fitte.

Against excess in apparell; that every man be cessed in the churche for all publique contributions, if he be unmarried, according to his owne apparrell, if he be married, according to his owne and his wives, or either of their apparell.

As touching the instruction of drawing some of the better disposed of the Indians to converse with our people, & to live and

labour amongst them, the Assembly who knowe well their dispositions, thinke it fitte to enioine, at least to counsell those of the Colony neither utterly to rejecte 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 of Corne, and other workes, that then five or sixe may be admitted into every such place, and no more, and that with the consente of the Governour. Provided that good garde in the night be kept upon them: for generally (though some amongst many may proove good) they are a most trecherous people, and quickly gone when they have done a villany. And it were fitt, a house were builte for them to lodge in aparte by themselves, and lone inhabitants by no meanes to entertaine them.

Be it enacted by this present assembly, that for laying a surer foundation of the conversion of the Indians to Christian Religion, eache towne, citty, Burrough, and particular plantation do ob-taine unto themselves by just means a certaine number of the natives children to be educated by them in true religion and a civile course of life. Of which children the most towardly boyes in witt & graces of nature to be brought up by them in the firste Elements of litterature, so to be fitted for the Colledge intended for them; that from thence they may be sente to that worke of conversion.

As touching the busines of planting corne, this present Assembly doth ordaine, that yeare by yeare all & every housholder and housholders have in store for every servant he or they shall keep, and 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 neglecte of which duty he shalbe subjecte to the censure of the Governour and Counsell of estate. Provided alwayes, that for the first yeare of every newe man this lawe shall not be of force.

About the plantation of Mulberry trees be it enacted that every man, as he is seatted upon his division, doe for seven yeares together every yeare plante and maintaine in growth sixe Mulberry trees at the least, and as many more as he shall thinke

convenience, and as his vertue & Industry shall moove him to plante: and that all suche persons as shall neglecte the yearly planting and maintaining of that small proportion, shalbe subjecte to the censure of the Governour & Counsell of Estate.

Be it farther enacted, as concerning silke-flaxe, that those men that are upon their division or settled habitation doe this nexte yeare plante & dresse 100th plantes, which being founde a commodity, may farther be increased. And whosoever doe faile in performance of this, shalbe subject to the punishment of the Governour & Counsell of Estate

For hempe also both Englishe & Indian, and for English flaxe & Anniseeds, we do require & enjoine all housholders of this Colony that have any of those seedes, to make tryal therof the nexte season.

Moreover be it enacted by this present Assembly, that every housholder doe yearly plante and maintaine ten vines, untill they have attained to the arte and 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 and Counsell of Estate shall thinke fitt to impose upon the ne-glecters of this acte.

Be it also enacted, that all necessary tradesmen or so 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 quality of his trade and worke, to be estimated, if he shall not be contented, by the Governour and officers of the place where he worketh.

Be it farther ordained by this General assembly, and we doe by these presents enacte, that all contractes made in England between the owners of lande, and their Tenants and servants which they shall sende hither, may be caused to be duely

performed, and that the offenders be punished as the Governour and Counsell of Estate shall thinke just and convenient.

Be it established also by this present Assembly, that no crafty nor advantagious meanes be suffered to be putt in practise for the inticing awaye the Tenants or servants of any particular plantation from the place where they are seatted. And that it shalbe the duty of the Governour & Counsell of Estate most severely to punishe both the seducers and the seduced, and to returne these latter into their former places.

Be it farther enacted, that the orders for the Magazin lately made be exactly kepte, and that the Magazin be preserved from wrong & sinister practises, and that according to the orders of course in Englande, all Tobacco & Sassafras be brought by the Planters to the Cape marchant, till suche time as all the goods nowe or heretofore sente for the Magazin be taken off their handes at the prices agreed on. That by this meanes the same going for Englande into one hande, the price therof may be up-helde the better. And to the ende that all the whole Colony may take notice of the last order of Courte made in Englande, and all those whom it concerneth may knowe howe to observe it, we holde it fitt to publishe it here for a lawe among the rest of our lawes. The which order is as followeth.

Upon the 26 of October 1618 it was ordered that the Magazin should continue during the terme formerly prefixed, and that certaine abuses nowe complained of should be reformed; and that for preventing of all Impositions, save the allowance of 25. in the hundred proffitt, the Governour shall have an invoice as well as the Cape Marchant, that if any abuse in the sale of the goods be offred, hee upon Intelligence and due examination therof shall see it corrected. And for the encouragement

of particular hundreds, as Smythes hundred, Martins hundred, Lawnes hundred, and the like, it is agreed, that what commodities are reaped upon anie of these several Colonies, it shalbe lawful for them to returne the same to their owne adventurers. Provided

that the said commodity be of their owne growing, without trading with any other, in one entyre lumpe, and not dispersed; and that at the determination of the joint stocke the goods then remaining in the Magazin shalbe bought by the said particular Colonies before any other goods which shalbe sente by private men. And it was moreover ordered, that if the lady la warre, the Lady Dale, Captaine Bargrave, and the rest, would unite themselves into a settled Colony, they might be capable of the same Priviledges that are graunted to any of the foresaid hundreds. Hitherto the Order.

All the general Assembly by voices concluded not onely the acceptance & observation of this Order, but of the Instruction also to Sir George Yeardley next preceding the same. Provided first, that the Cape Marchant do accepte of the Tobacco of all and everie the Planters here in Virginia, either for goods, or upon billes of Exchange at three shillings the pounce the beste, and 18 d. the second sorte. Provided also that the billes be duly payde in Englande. Provided in the third place, that if any other besides the Magazin have at any time any necessary commodity which the Magazine doth wante, it shall and may be lawfull for any of the Colony to buye the said necessary commodity of the said party, but upon the termes of the Magazin, viz allowing no more gaine then 25. in the hundred, and that with the leave of the Governour. Provided, lastely, that it may be law full for the Governour to give leave to any Mariner or any other person that shall have any suche necessary commodity, wanting to the Magazin, to carrie home for England so muche Tobacco or other naturall commodities of the country, as his Customers shall pay him for the said necessary commodity or Commodities.

And to the ende we may not onely persuade & incite men, but inforce them also throughly and loyally to cure their Tobacco, before they bring it to the Magazine; be it enacted, and by these presents we doe enacte, that if upon the Judgement of fower sufficient men of any incorporation where the Magazine shall reside (having first taken their oaths to give true sentence, twoe wherof to be chosen by the Cape marchant, and twoe by the Incorporation) any Tobacco whatsoever shall not proove vendible at the second price,

that it shall there immediately be burnt before the owners face.
Hitherto suche lawes as were drawn out of the Instructions.

Tuesday Aug. 3 1619

This morning a thirde sorte of lawes (suche as might proceed out of every mans private conceipte) were read and referred by halves to the same Committies which were from the beginning.

This done, Captaine William Powell presented to the Assembly a petition, to have justice against a lewde and trecherous servant of his; who by false accusation given up in writing to the Governour sought not onely to gett 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 generall Assembly against one Thomas Garnett a servant of his, not onely for extreame neglect of his busines, to the great losse and prejudice of the said Captaine, and for openly and impudently abusing his house in sight both of Master and Mistresse, through wantonnes with a woman servant of theirs, a widdowe; but also for falsely accusing him to the Governour both of Drunkenes & Thefte, and besides for bringing all his fellow servants to testifie on his side: wherin they justly failed him: It was thought . fitt by the general assembly (the Governour himselfe giving sentence) that he should stande fower days with his eares nayled to the Pillory, viz Wednesday Aug. 4th and so likewise Thursday, fryday and Satturday next following: and every of those fower dayes should be publiquely whipped. Now as touching the neglecte of his worke, what satisfaction ought to be made to his Master for that, is re erred to the Governour and Counsell of Estate.

The same morning the lawes abovewritten drawn out of the Instructions were read, and one by one throughly examined, and

then passed once againe the generall 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 wherof spent the residue of that daye. Excepte onely the con-sideration of a petition of Mr. John Rolfe against Captaine John Martine, for writing a letter to him, wherein (as Mr. Rolfe alledged) he taxeth him both unseemly & amisse of certaine thinges wherin he was never faulty, and besides casteth some aspersion upon the present government, which is the most temperate and juste that ever was in this country, too milde indeed for many of this Colony, whom unwoonted liberty hath made insolente, and not to knowe themselves. This petition of Mr. Rolfe was thought fitt to be referred to the Counsell of State

Wedensdav Aug. 4th

This daye (by reason of extream heat both paste and likely to ensue, and by that meanes, of the alteration of the healthes of diverse of the general Assembly) the Governour, who himself also was not well, resolved should be the laste of this firste 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 reviewe more and to see, whether there were any thing to be amended, or that might be excepted againste. This being done, the third sorte of lawes, which I am nowe coming to sett downe, were read over and throughly discussed; which together with the former did nowe passe the laste and finall consente of the General Assembly.

A thirde sorte of lawes, suche as may
issue out of every mans privat conceipt.

It shalbe free for every man to trade with the Indians servants onely excepted, upon paine of whipping, unlesse the Master will redeeme it off with the payment of an Angell; one fourth parte wherof to goe to the Provost Marshall, one fourth parte to the

discoverer, and the other moyty to the publique uses of the Incorporation.

That no man doe sell or give any of the greater howes to the Indians, or any Englishe dog of quality, as a Mastive, Grey-hound, bloudhounde, lande or water Spaniell, or any other dog or bitche whatsoever of the Englishe race, upon paine of forfait-ing 5£ sterling to the publique uses of the Incorporation where he dwelleth.

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 helde a Traytour to the Colony, and of being hanged, so soon as the facte is prooved, without all redemption.

That no man may go above twenty miles from his dwelling place, nor upon any voiage whatsoever shalbe absent from thence, for the space of seven dayes together, without first having made the Governour or commauder of the same place acquainted therwith upon paine of paying twenty shillinges to the publique uses of the same Incorporation, where the party delinquent dwelleth.

That no man shall purposely goe to any Indian townes, habitations, or places of resorte, without leave from the Governour or commauder of that place where he liveth, upon paine of paying 40 s. to publique uses, as aforesaid.

That no man living in this Colony, but shall betwene this & the first of January nexte ensuing come or sonde to the Secretary of Estate, to enter his owne and all his servants names, and for what terme, or upon what conditions they are to serve, upon penalty of paying 40 s. to the said Secretary of Estate. Also what-soever Masters or people doe come over to this plantation, that within one moneth of their arrivall (notice being first given them of this very lawe) they shall likewise resorte to the Secretary of Estate, and shall certifie him upon what termes or conditions they be come hither, to the ende that he may recorde their graunts and commissions, 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 yeare, namely, in the moneth of Marche, bring to the Secretary of Estate a true account of all Christenings, burials and Marriages; upon paine, if they faile, to be censured for their negligence by the Governour and Counsell of Estate. Likewise where there be no ministers, that the commanders of the place doe supply the same duty

No man without leave from the Governour shall kill any Neatt-cattle whatsoever, young or olde, especially kine, Heyfars, or Cowe-calves, and shalbe carefull to preserve their Steeres and Oxen, and to bring them to the plough and suche profitable uses, and without having obtained leave as aforesaid, shall not kill them upon penalty of forfaiting the value of the beast so killed.

Whosoever shall take any of his neighbours boates, oares, or Canoas, without leave from the owner, shalbe helde and esteemed as a felon, and so proceeded against. Also hee that shall take away by violence or stelth any Canoas or other thinges 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 any thing under the value of 13 d. ob. shalbe accounted Petty larceny.

All Ministers shall duely read divine service, and exercise their Ministerial function, according to the Ecciesiasticall laves 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 Communion. And whosoever of them shalbe found negligent or faulty in this kinde, shalbe subject to the censure of the Governour and Counsell of Estate.

The Ministers and Churchwardens shall seeke to presente all ungodly disorders; the committers wherof, if upon good admonitions and milde reproof they will not forbear the said skandalous offenses, as suspicions of whordomes, dishonest Company-

keeping with weomen, & suche 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 commission of any other enormous sinnes; that then he or shee be presented by the Churchwardens, and suspended for a time from the church by the Minister. In which Interim if the same person do not amende, and humbly submitt him or herselfe to the Church, he is then fully to be excommunicate, and soon after a writt or warant to be sente from the Governour for the apprehend-ing of his person and seizing on all his goods. Provided alwayes that all the ministers doe meet once a quarter, namely at the feast of St. Michael the Arkangell, of the nativity of our saviour, of the Annuntiation of the blessed Virgine, and about Midsomer, at James citty, or any other place where the Gov-ernour shall reside, to determine, whom it is fitt to excommunicate, and that they first presence their opinion to the Governour ere they proceed to the acte of Excommunication.

For reformation of swearing, every freeman and Master of a family after thrise admonition, shall give 5 s. or the value upon present demaunde, to the use of the church where he dwelleth; and every servant, after the like admonition, except his Master dischargd the fine, shalbe subject to whipping. Provided, that, the payment of the fine notwithstanding, the said servant shall acknowledge his faulte publiquely 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, and being bound for Kiccowtan or any other parte on this side the same, shall presume to passe by either by day or by night without touching firste here at James citty, to knowe whether the Governour will commande him any service. And the like shall they performe that come from Kiccowtan ward, or from any place between this and that, to go upwarde; upon paine of forfeit-ing ten pound sterling a time to the Governour. Provided, that if a servant having had instructions from his Master to observe this

lawe doe notwithstanding transgresse the same that then the said servant shalbe punished at the Governours 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 pain that doing otherwise, they shalbe censured at their returne by the Governour and Counsell of Estate.

All persons whatsoever upon the Sabaoth daye shall frequente divine service and sermons both forenoon and afternoon; and all suche as beare armes, shall bring their pieces, swordes, poulder, and shotte. And everyone that shall transgresse this lawe, shall forfait three shillinges a time to the use of the churche, all lawfull & necessary impediments excepted. But if a servant in this Case shall wilfully neglecte his Masters commande, he shall suffer bodily punishmente.

No maide or woman servant, either now resident in the Colonie, or hereafter to come, shall contract her selfe in marriage without either the consente of her parents, or of her Master or Mistris or of the Magistrat and Minister of the place both together. And whatsoever Minister shall marry or contracte any suche persons without some of the foresaid consentes, shalbe subjecte to the severe censure of the Governour and Counsell of Estate.

Be it enacted by this present assembly, that whatsoever servant bath heretofore, or shall hereafter contracte himselfe in England, either by way of Indenture or otherwise, to serve any Master here in Virginia, and shall afterward, against his said former contracte, departe from his Master without leave, or being once imbarked shall abandon the ship he is appointed to come in; and so being lefte behinde, shall putt 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 Master 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 and consented to; as aforesaide , Captaine Henry Spellman was called to the barre, to answere to certaine misdemeanours layde to his chardge by Robert Poole interpretour upon his oath (whose examination the Gover-nour sente into England in the Prosperus) of which accusations of Poole some he acknowl-edged for true, but the greatestt parte he denyed. Wherupon the General Assembly having throughly heard and considered his speaches, did constitute this order following against him.

Aug. 4th 1619.

This day Captaine Henry Spelman was convented before the General assembly, and was examined by a relation upon oath of one Robert Poole Interpreter what conference had passed between the said Spelman and Opochancano, at Pooles meeting with him in Opochancanos courte. Poole chardgeth him, he spake very unreverently and maliciously against this present Governour wherby the honour and dignity of his place and person, and so of the whole Colonie might be brought into contempte; by which meanes what mischiefs might ensue from the Indians by disturbance of the peace or otherwise, may easily be conjectured. Some thinges of this relation Spelman confessed; but the most parte he denyed. excepte onely one matter of importance, & that was, that he had informed Opochancano, that within a yeare there would come a governour greater then this that nowe is in place. By which and by other reportes it seemeth, he hath alienated the minde of Opochancano from this present Governour, and brought him in muche disesteem both with Opochancano and the Indians, and the whole Colony in danger of their slippery designes.

The general assembly upon Pooles testimony onely not willing to putt Spelman to the rigour and extremity of the lave, which might

perhaps both speedily and deservedly have taken his life from him (upon the witness of one whom he much excepted against) were pleased for the present to censure him rather out of that his confession above written, then out of any other proofe. Several and sharpe punishments were pronounced against him by diverse of the Assembly. But in fine the whole court by voices united did incline to the most favourable, which was, that for this his misdemeanour he should first be degraded of his title of Captaine at the head of the troupe and should be condemned to performe seven yeares service to the Colony, in the nature of an Interpreter to the Governour.

This sentence being read to Spelman, hee as one that had in him more of the Savage then of the Christian, muttered certain wordes to himselfe, neither shewing any remorse for his offenses, nor yet any thankfulness to the Assembly for their so favourable censure, which hee at one time or another (Gods grace not wholly abandoning him) might with some one service have bene able to have redeemed.

This day also did the Inhabitants of Paspheigh alias Argalls towne presente a petition to the general assembly to give them an absolute discharge from certain bondes wherein they stand bound to Captain Samuell Argall for the payment of 600£ and to Captain William Powell at Captaine Argalls appointment, for the payment of 50£ more. To Captaine Argall for 15. skore acres of woody ground called by the name of Argalls towne or Pas-paheigh; to Captaine Powell in respect of his paines in clearing the grounde, and building the houses, for which Captaine Argal ought to have given him satisfaction. Nowe the general assembly being doubtful whether they have any power and authority to discharge the said bondes, doe by these presentes (at the Instance of the said Inhabitants of Paspheighs, alias Martins hundred-people) become most humble suitours to the Tresurer Counsell and Company in England, that they wilbe pleased to gett the said bondes for 600£ to be cancelled; forasmuche as in their great commission they have expressly and by name appointed that place of Paspheigh for parte of the Governours lande.

And wheras Captain William Powel is payde his 50£, which Captaine Argall enjoined the saide Inhabitants to presente him with, asp arte of the bargaine; the generall assembly at their intreaty do become sutours on their behalfe, that Captaine Argall by the Coun-sell & Company in England may be compelled either to restore the said 50£ from thence; or else that restitution therof be made here, out of the goods of the said Captaine Argall. The last acte of the Generall assembly was a Contribution to gratifie their officers, as followeth.

Aug. 4th 1619

It is fully agreed at this Generall Assembly, that in regarde of the great paines and labour of the Speaker of this Assembly (who not onely first formed the same Assembly and to their great ease & expedition, reduced all matters to be treated of into a ready method, but also, his indisposition notwithstanding, wrote or dictated all orders and other expedients, and is yet to write severall bookes for all the several Incorporations and plantations, both of the great charter, and of all the lawes) and likewise in respecte of the diligence of the Clerke and Sergeant officers therto belonging: That every man and manservant of above 16. yeares of age shall pay into the handes and Custody of the Burgesses of every Incorporation and plantation, one pound of the best Tobacco, to be distributed to the Speaker, and likewise to the Clerke & sargeant of the Assembly, according to their degrees and rankes, the whole bulke wherof to be delivered into the speakers handes, to be divided accordingly. And in regarde the Provost Marshall of James citty hath also given some attendance upon the said Generall Assembly, 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 Assembly commaunded 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, and the falling sicke of di-verse of the Burgesses, to breake up so abruptly, before they had so muche as putt their lawes to the ingrossing.

This they wholly com-mitted to the fidelity of their speaker; who therein (his Conscience telles him) bath done the parte of an honest man. Otherwise he would easily be founde out by the Burgesses themselves, who with all expedition are to have so many bookes of the same lawes as there be both Incorporations and Plantations in the Colony.

In the second place the Assembly doth most humbly crave pardon, that in so shorte a space they could bring their matter to no more perfection, being for the present enforced to sende home Titles rather then lawes, Propositions rather then Resolutions, Attemptes, then Atchievements: hoping their courtesy will accepte our poore indeavour, and their wisdomes wilbe ready to supporte the weaknes of this little flocke.

Thirdly the General Assembly doth humbly beseech the said Treasurer, Counsell and Company, that albeit it belongeth to them onely to allowe or to abrogate any lawes which we shall here inacte, and that it is their right so to doe; yet that it would please them not to take it in ill parte, if these lawes which we have nowe brought to light, do passe currant & be of force, till suche time as we may knowe their farther pleasure out of Englande: for otherwise this people (who nowe at length have gotte the raines of former servitude into their owne swindge) would in shorte time growe so insolent, as they would shake off all government, and there would be no living among them.

Their last humble suite is, that the said Counsell & Company would be pleased, so soon as they shall finde it convenient, to make good their promise sett downe at the Conclusion of their Commission for establishing the Counsel of Estate & the General Assembly; 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 summe Sir George Yeardley the Governour prorogued the said General Assembly till the first of Marche which is to fall out this

present yeare of 1619 and in the mean season dissolved the same.

Finis.