

AMERICA'S
Oldest Legislative
Assembly

AND ITS

Jamestown Statehouses



This publication relates to Jamestown Island, Va. A portion of Jamestown Island is included in Colonial National Historical Park and is administered by the National Park Service of the United States Department of the Interior. Jamestown National Historic Site, the other portion of the Island, is administered by the Association for the Preservation of Virginia Antiquities. A cooperative agreement between the Association and the Department of the Interior has been in effect since 1940 providing for a unified program of development for the whole Jamestown Island area.

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America's Oldest
Legislative Assembly



Its Jamestown Statehouses

by CHARLES E. HATCH, JR.

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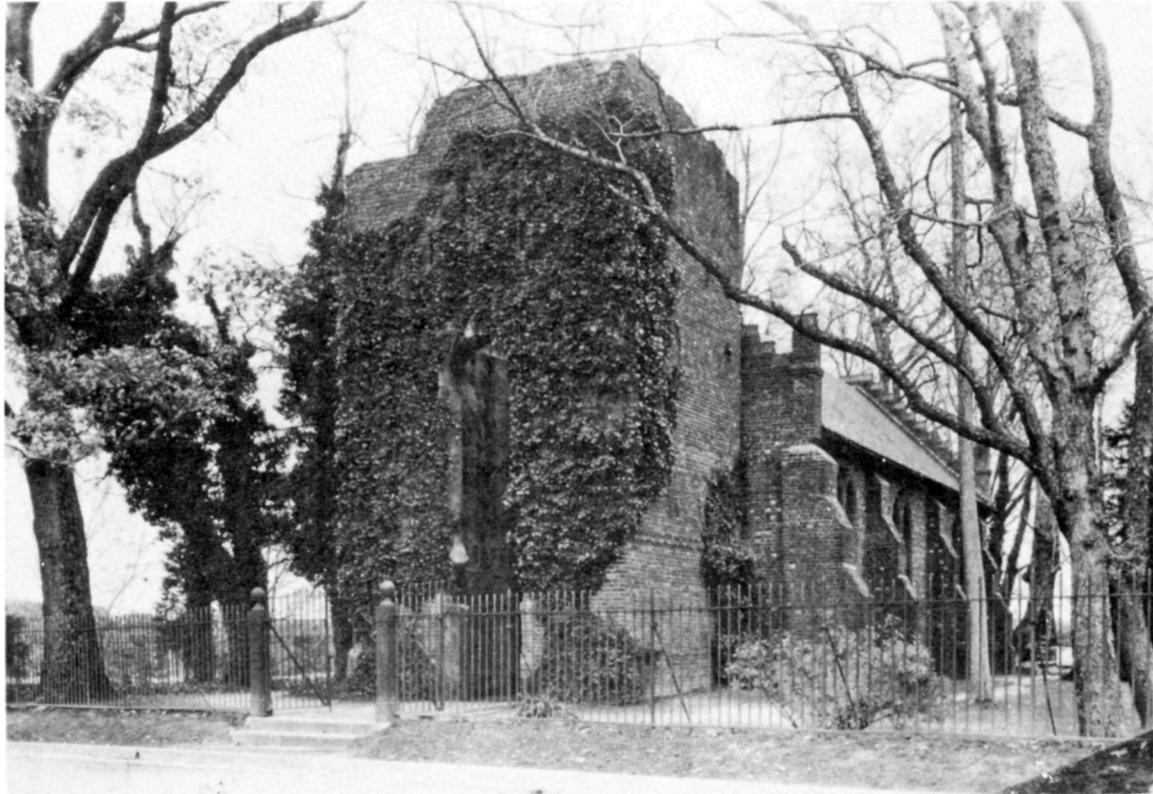
UNITED STATES DEPARTMENT OF THE INTERIOR
Fred A. Seaton, *Secretary*

NATIONAL PARK SERVICE
Conrad L. Wirth, *Director*



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The old church tower at Jamestown within the grounds of the Association for the Preservation of Virginia Antiquities.
On this site the first legislative assembly met in 1619.



Introduction

IN 1932 George C. Gregory, of Richmond, Va., long interested in the early history of Jamestown, while investigating the old townsite on Jamestown Island encountered below ground, at a point near the river and down stream from the old brick church tower, the ruined foundations of a 17th-century building. He excavated a part of the site and carried his operations far enough to outline the entire building. He identified this structure the “First Statehouse” at Jamestown—the first real capitol building—acquired by the colony in 1641. Later in 1934 and 1935 the National Park Service, through its architects, historians, and archeologists working in Colonial National Historical Park, made a complete study of this site, opening and uncovering the entire structure, collecting and preserving objects found in and about the ruins, and preparing the results of observation and study in permanent record form for future reference. The evidence shows that this structure, a three-section brick building of 17th-century construction, since it satisfies most of the known facts about the first statehouse, is in all probability the ruins of that building.

It was in the statehouse that much of the activity of the colonial government originated, and from it most of that activity was directed. First and foremost the statehouse was the meeting place for the council and the elected House of Burgesses sitting as Virginia’s General Assembly, the oldest legislative body in English speaking America. Twenty-two years before the colony acquired its first publicly owned statehouse, the first assembly met at Jamestown. This meeting, which convened in the framed, cedar-interior-trimmed church on July 30, 1619 (August 9 New Style) was the beginning of representative government in America. Because of what it later came to mean, this event ranks as one deeply significant in the development of free America.

Much has been said about the origin of representative government in America and perhaps, as yet, the complete story has not been told. It is stating the obvious, however, to say that the first assembly, in 1619, did not spring fully developed as an organ of representative democracy. The first assembly, in 1619, was the first meeting of an assembly set up for Virginia as a part of a general reorganization introduced by the Vir-

ginia Company of London¹ to improve conditions in the colony which it was directing. It was the gradual evolution and development of this assembly in Virginia, of similar bodies later in the other colonies, that made it the fundamental mechanism of free government as we know it today.

The Virginia colony, begun in 1607, did not grow and develop as rapidly as its founders had hoped. The obstacles were great, it is true, yet the adventurers of the Virginia Company maintained their fixed determination to establish a paying enterprise. This led to a program of reform adopted by the company in 1618. Motivated by a lack of progress in the colony, the authors of the new plans aimed solely at strengthening the company and building up the colony. Political reform was merely one phase of a much broader reorganization of company affairs. Such reform seemed necessary preparation for the projected economic policies which, it was hoped, would bring prosperity and stability. The attempt at popular government owes a great deal to Sir Edwin Sandys who saw the need for a change in the management of affairs as a prelude to securing better colonists, a wider range of agriculture and industry, and the introduction of schools, inns, and comfortable homes. The popular control advocated, it appears, was taken for the most part from the practices of the company itself in its quarterly gatherings, or courts. The program was the work of the whole company, and there is nothing to indicate any real opposition to it in 1618.

Of the political reforms voted for Virginia in 1618 one of the greatest was the abolition of martial law and the substitution of English common law. The second main feature was the grant of a legislative assembly. There was nothing especially radical about this second feature. As planned, it would operate very much as did the older council of the company. Moreover, it brought no immediate weakness in the company's government, and it left the company in supreme control without altering its position. It was a device whereby the company expected to reap benefits of cooperation, better unity, and better spirit in the colony. It would shift much local detail to a local body; it would promote the application of new economic policies; and it would bring better conformity with practices in England and with English institutions.

When Sir George Yeardley left England in the winter of 1618-19 for his new post as Governor of Virginia he had with him instructions embodying the reforms recently passed by the Virginia Company. One body of instructions authorized him to summon a general assembly once each year and no oftener, unless, because of an "extraordinary and exigent neces-

¹ The Virginia Company of London was an organization operating under charter from King James I of England for the general purpose of discovery, colonization, and trade. It was, strictly speaking, a business undertaking operated by means of capital invested by adventurers (from various sections of English life) who expected returns on their investments. The first charter was approved in 1606 with authority for the company to operate in a prescribed section of America. It was through the Virginia Company that Jamestown was settled in 1607 and that Virginia was governed and managed until the company was dissolved in 1624.



SIR EDWIN SANDYS—a leader in the movement for popular government in Virginia. He was an uncle of Margaret Sandys, wife of Governor Sir Francis Wyatt, of Virginia, who also favored the practice of representative government in the Virginia Colony. (Portrait from Alexander Brown, *The First Republic in America*. Courtesy, Houghton, Mifflin and Company.)

sity,” for the purpose of finding out and executing “those things as might tend to their good.” Soon after his arrival in April 1619, he moved to carry out this part of his instructions. He first issued a proclamation making public a part of the new program and including a statement about the assembly:

And that they might have a hande in the governinge of themselves, it was granted that a general assemblie should be helde yearly once, wherat were to be present the Govr and Counsell with two Burgesses from each Plantation freely to be elected by the inhabitants thereof; this assembly to have power to make and ordaine whatsoever lawes and orders should by them be thought good and proffittable for our subsistance.

THE FIRST ASSEMBLY, 1619

Apparently, the election of burgesses took place soon after June 19, with the inhabitants of the various localities registering their choice. It appears that the term "Inhabitants" was interpreted literally and the whole populace, excepting women, children, and apprentices under age, assembled and made their selections *viva voce*, or "by show of hands." On July 30 newly chosen burgesses from 11 centers of settlement scattered along the James River met at Jamestown, as did the Governor and his councilors. The Governor and the burgesses are known by name, and of the councilors the names of six have been preserved. Many of the men were already considered old planters in Virginia; some were already quite prominent in colonial affairs; and others were to become better known later in Virginia history. John Pory, secretary of the colony and a councilor, was appointed speaker of the assembly and from his pen has come "A Reporte of the manner of proceeding in the General assembly convened at James city" in 1619. Pory, because of his knowledge of parliamentary rules and procedure, undoubtedly contributed a great deal to the success of the first assembly. He was a man of considerable experience having been a member of the English Parliament for several years before he came to Virginia.

The meeting convened in the "Quire of the Church" at Jamestown, "The most convenient place. . . [they] could finde to sitt in." Governor Yeardley took his seat in his accustomed place in the church and the councilors sat beside him, some on the right, some on the left, excepting John Pory, who was named speaker and sat in front of the Governor. John Twine, clerk of the assembly, sat beside the speaker. The sergeant, Thomas Pierce, stood at the bar ready to carry out the orders of the body. All assembled in the "quire," and Rev. Richard Buck, "A verie good preacher" and officiating minister, opened the meeting with prayer. The burgesses then withdrew into the church and on receiving the "oathe of Supremacy," administered individually, entered the assembly. With this formality completed, the assembly began its deliberations.

Before the burgesses moved to take up their legislative work, they first considered the eligibility of the members to their seats in the House. Here the burgesses evidently assumed a power that the House of Commons in England had, after a struggle, wrested from the King. In any

case, the first burgesses exercised this power when they challenged the seating of four representatives, ultimately denying the seating of two over a question of special privileges enjoyed by the plantation from which the burgesses came. "Special privilege" was a theme that was to echo through many decades of American politics.

The order of business apparently had been arranged before the assembly convened. Possibly it was arranged by the speaker, the Governor, or both acting together. The first matter was a consideration of the "greate Charter" brought over by Governor Yeardley. This important document dealt largely with the settlement of land tenure and internal organization in the colony, with only general attention to government and political rights. It is best described as a veritable code of privileges, orders, and laws, dealing with the affairs of the colony in all their bearings and designed to be binding upon the members of the colony and their heirs forever. The speaker read the charter before the assembly and then two committees were set up to consider it in detail. On July 31 the committees made their reports on the charter and the assembly approved the document acting through petitions, however, to ask for certain minor changes and assurances in the application of the charter. The major concern shown in the petitions seems to have been the right to, and the confirmation of, land titles. One writer has asserted that the approved charter became the first written constitution of government promulgated or put into practice in America.

Proceeding to the next step in the legislative agenda, the assembly began a consideration of the instructions that had been issued by the company in England to the various governors that had been appointed for Virginia. The assembly moved to enact into law the passages from these instructions that would make toward better government and security in the colony. On Monday, August 2, the committees reported on this subject and the assembly adopted measures against idleness, gambling, drunkenness, and excess in apparel. Other measures touched on protection against the Indians; christianizing the Indians; the planting of corn, mulberry trees, hemp, and vines; the application of tradesmen to their trades; the carrying out of contracts; and the regulation of the magazine. One bit of legislation attempted the control of tobacco prices by law.

On August 3 the assembly for a time took over an element of judicial power when it tried a servant of one Capt. William Powell for irregular living and for giving false information to the Governor regarding Captain Powell. There were two trials of this sort conducted by the assembly of 1619.

Also on the 3rd of August the assembly considered still another type of law—"a thirde sorte of lawes suche as might proceed out of every man's private conceit." As these descriptive words imply this would mean laws proposed by the individual members of the body itself. Here is the immediate assumption of the power of initiating legislation, as well as of

acting on laws proposed from above. The legislators acted to control relations with the natives and the personal affairs of the colonists where they were detrimental to the welfare of the colony. The burgesses went further, requiring compulsory church attendance, insisting that ministers in Virginia perform their duties, including the keeping of accurate records of births, marriages, and deaths. Other laws touched on trade, marriage, protection of livestock, contracts of indentures, and related subjects.

On the last day of the assembly, August 4, the assembly passed its first tax law. This was in the form of a poll tax on every man and manservant in the colony above the age of 16 and was to pay the officers of the assembly for their services during the session. With this out of the way and after several additional petitions, the assembly was prorogued by the Governor due to "the intemperature of the weather and falling sick of the Burgesses."

The first assembly, lasting 6 days and meeting in midsummer when conditions at Jamestown were most unfavorable to work of this sort, accomplished a great deal before it was prorogued, apparently with its own consent. Within 6 days it debated and passed three principal bodies of law. Aside from this, its chief work, it tried two cases, passed on the qualifications of its members, and gave attention to various other details. Although it accomplished a great deal and in fact even began to reach out for additional power, its status as an element in the government of the colony was not secure. Even its nature and limits were still undefined.

The first assembly later proved to be the real beginning of representative government in America; yet, in 1619, it is doubtful if any of the burgesses was conscious of the real significance of the meeting. Whatever the interpretation of the event, the assembly disbanded on August 4. The members were probably glad to return home, for the heat was intense and sickness was rife—one burgess died during the session. In any case, they were scheduled to convene again in March, at which time they would be able to complete any unfinished business that remained.

At this point it is interesting to note that in this first assembly there was evidence that its members by diverse means hoped to increase the power of the body and thereby exercise greater power in the affairs of the colony. This is best seen, perhaps, in the last petition that passed the burgesses on August 4:

Their last humble suite is, that the said Counsell and 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 and 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.

THE ASSEMBLY, 1620-39

It is not known that the General Assembly actually convened the following March. Evidence that it did is lacking, yet there is good likelihood that a meeting did take place. An assembly did meet after the arrival of Governor Sir Frances Wyatt in October 1621. The session continued for several days, although little is known of what actually took place. It seems improbable that there was an assembly during the period of the Indian massacre of 1622. For some months after this destructive blow the problems of sickness, protection, lack of food, and security from further attack were the paramount questions of the day. It seems reasonable to suppose that the Governor, acting with his council, made the necessary rules and regulations to take the colony through this period.

The last assembly under the company met in February and in March of 1624. This meeting was given over for the most part to answering statements relative to the state of the colony. At this time the future of the Virginia Company, which had been directing the affairs of the colony since 1607, was the leading question of the day. The assembly, anxious to preserve the liberties granted in 1619, went on record in a petition to King James I and the Privy Council denouncing the autocratic government that existed in the colony prior to 1619 and asking that this type of government be abandoned for all time. Among other things, the burgesses at this meeting were called on to assist the commissioners who had been sent to Virginia to inquire into the state of the colony. In its relations with these commissioners, one of whom (Sir John Harvey) was later Governor, the assembly refused to associate its name with an attack on the company. It is significant, perhaps, that the burgesses refused to send their papers to England by the commissioners. They chose instead a personal representative of their selection, one John Pountis. In all of its transactions, it seems that the assembly was conscious that the end of the Virginia Company was at hand.

In 1624 the company was dissolved and the guiding hand in Virginia affairs, since the founding of the colony, was removed. Virginia came directly under the control of King James I. A crisis had developed in the affairs of Virginia and many feared that an attack upon popular government would result. The Privy Council appointed a commission—the so-called Mandeville Commission—to administer the colony and to report on the advisability of issuing a new charter for the government of Virginia. On August 24, 1624, a commission was granted to Sir Francis Wyatt, who was to continue as Governor. In this commission there was no mention of a general assembly. Control in the colony now rested with the Governor and council, it would seem. At the same time John Harvey continued in Virginia to collect data for use by the Mandeville Board. It was early in 1625 that Harvey returned to England to present his report.

While these events were taking place Governor Wyatt, in the colony, continued his work of administration and government. Lacking royal

orders, or even an expression of royal will, he called an assembly to meet in May 1625, although he did not call it such, as had been the case heretofore. Wyatt preferred to speak of this meeting as the "Govr Councill and Collony of Virginia assembled together." He wanted to get an expression of popular feeling regarding the fall of the company. In assembly the Governor, council, and representatives of the colony made copies of its former petitions and declarations, issued statements regarding new plans of government, and expressed the hope that men placed in charge of Virginia affairs would be men in whom the colony had confidence. The documents prepared in the "Convention" were sent to England by former Governor Yeardley, who was authorized to present at court the case of the colony.

From this brief statement it is apparent that the future of the Virginia Assembly was for some time in doubt. Modern research has revealed, however, that there was little basis for the strong fear of the colonists that the King intended a direct move against their free institution. It is true that there was a drive to set up a more closely knit and a more responsible form of government in London. It is even possible that the assembly could have been rejected on the theory that it would interfere with such a system. It is difficult, however, to support the thesis that there was a crusade afoot against free and representative institutions in America. The assembly received no formal recognition for a time, yet there is no recorded attempt to prevent its continuance.

The death of James I, in March 1625, brought the deliberations of the Mandeville Board to an end. Charles I became King of England with direct control of Virginia affairs. Not as bitter against the company as had been his father, he consented to reopen the case of the company, yet in May he, like his predecessor, rejected all the company pleas. It was not until later in 1625 that Yeardley arrived in England with the instructions of the assembly. Evidently he gained admission to the Privy Council and presented the case of the colony. Obviously he presented a strong case that was favorably received, since the council approved many of the things that he sought. On one point, however, the continuation and the confirmation of the "liberty of the General Assembly," the Privy Council was evasive, although it implied that there would be later favorable action. Despite this, Charles I did not hasten to give his approval for the assembly.

For the period 1624 to 1629, it would seem that government in Virginia fell directly to the Governor and council. They exercised judicial, executive, and legislative powers. In some of the proclamations there is reference to existing laws—those in the great charter or those passed by the assembly from 1619 to 1624, perhaps—yet other regulations seem to have emanated directly from the Governor and council. Governor Wyatt secured permission to leave his post and return to England, and Yeardley became Governor, for a second time, in May 1626. His instructions and commission, however, said nothing regarding the assembly.

It should be mentioned at this point that Wyatt, in a letter to the Privy Council before he left Virginia, suggested that the assembly be allowed to meet "in spetial cases when it was desirable to get the expression of the planters." To this the King and his council did not reply. Despite this, the suggestion must have been given consideration for when a "spetial case" arose in the form of the tobacco contract, a monopoly for the importation and sale of this commodity from Virginia, it was thought necessary to instruct the new Governor for Virginia, Capt. Francis West, in November 1627, to call an assembly to discuss the tobacco issue. This assembly met in March 1628, discussed the tobacco question, and adjourned. This meeting of representatives of the colony does not seem to have constituted a real legislative body, for it appears to have exercised few, if any, real legislative functions. As in 1625, it had been called for a specific purpose and did not go much beyond this. It differed from the Convention of 1625, as this meeting came to be called, in that it had royal sanction. It did go so far as to levy a tax to pay its expenses.

In the instructions to Governor Harvey, August 6, 1628, there is reference to a "grand Assembly" to discuss and provide for a palisade from Martin's Hundred to York—across the Virginia Peninsula—for protection against the Indians. Perhaps the royal authorities thought that this would encourage wholehearted cooperation in a defense measure against the Indians. An assembly did convene in October 1629, and its chief work was the adoption of various measures of protection against the Indians, followed by a tax law affecting all freemen in the colony for the support of the measure. The assembly went beyond a discussion of defensive measures, passing legislation regarding the planting of tobacco and reenacting the law of 1624 regarding compulsory church attendance.

In 1629 propositions touching Virginia, endorsed by Sir John Harvey, asked the King for the confirmation of former privileges and for the approval of a general assembly to meet on "necessary occasions, wherein to propound laws & orders for the good government of the people." In answer to this last proposition it was stated that:

. . . the governor may be authorized shortly after his first coming into Virginia to call a grand assembly, and there to set downe an establishment of the Government, and ordaine lawes & orders for the good thereof, and those to send hither to receive allowance, and such as shall be soe allowed to be returned thither under the great seale and put in execucon, the same to be temporary & changeable at his Majesties pleasure, signified under the like great seale.

In March 1629/30 another assembly was called to meet at Jamestown. It assembled and business began after "The oathes of alleidgeance and supremacy were administered to the Governor and Council, and afterwards to all the Burgesses then assembled"—46 in number. This meeting, much more than that of October 1629, exhibited the characteristics



The foundations of the first statehouse at Jamestown as excavated in 1935

of a regular legislative body. At this March session various topics came before the burgesses, and legislation followed on religious questions, on fortifications and defense against the Indians, on the engrossing and forestalling of commodities, on staple commodities, and on tobacco.

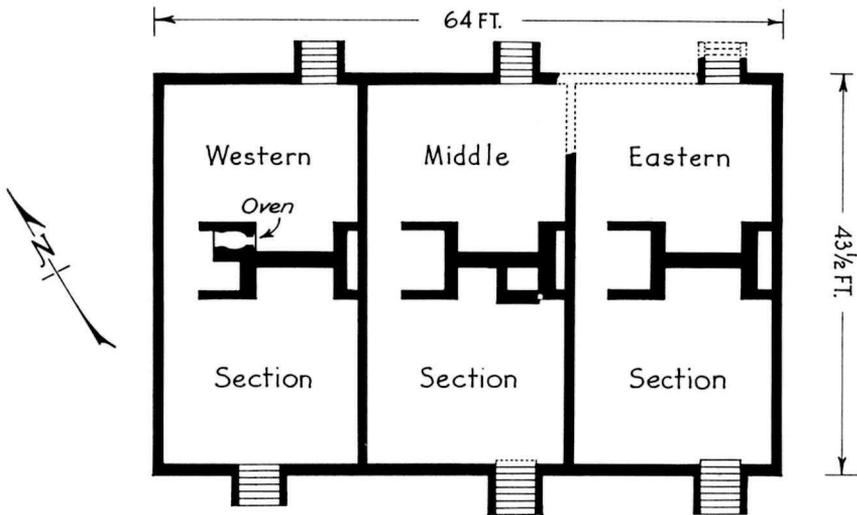
It may be that the conventions of 1628 and 1629 were sufficient precedent for the reassumption of law-making powers by the assembly, or it may be the colonists assumed, on the faith of repeated promises, that they could resume the old privilege. In any case various meetings of one kind or another had been authorized by the Crown in instructions to the Governors without, it seems, stating that the assembly was renewed in its old sense of regular or periodic meetings. It is a fact that from 1629 regular yearly meetings took place in the colony. These meetings passed legislation, and there seems to be little doubt that the burgesses assumed all the rights and privileges of regular representative bodies following the current variety of parliamentary practice. When Governor Harvey returned to Virginia in 1637 he brought instructions to call an assembly, yet these did not specify a regular-meeting legislative body. It was in the instructions to Governor Sir Francis Wyatt, returning to Virginia for his second administration in 1639, that there was the first clear and unmistakable renewal and guarantee of the assembly.

The state of Virginia's assembly from the dissolution of the company in 1624 until 1639 is difficult to trace. It appears that until 1637 the King governed Virginia through committees in the Privy Council. During this period there were various efforts to derive a system of administration for the colony. It would appear that the royal commission set up to make recommendations concerning Virginia in 1631 assumed that an assembly was functioning in the colony. Even though assemblies convened after 1628, the planters, it would appear, were none too sure of their rights in this matter.

Charles M. Andrews, in his study of the evolution of the assembly in *The Colonial Period in American History*, has concluded that the Virginia planters themselves were largely responsible for the establishment of self-government in the royal colony of Virginia. Charles I did not purposely intend to deprive Virginia of its assembly, yet he seemed reluctant to give it his seal of approval. The colonists, acting without direct or explicit consent, yet with something of an implied sanction, proceeded to keep the assembly alive through regular meetings—through action and then explanation. Over a 15-year period a precedent was established, and the King came slowly to a decision. The case was settled in Wyatt's instructions of January 1639 when he was instructed "Once a year to call a General Assembly and the Governor therein to have a negative voice." A similar instruction was issued to the next Governor, Sir William Berkeley, in 1641. A year later the colony expressed its satisfaction at its "freedom of yearly assemblies" under the Crown. Summing up this development, Professor Andrews has stated:



“The First Statehouse at Jamestown.” A painting by Sidney King. One of several possible architectural interpretations based on a study of its foundations and contemporary references.



A plan of the foundations of the first statehouse at Jamestown.

Not only was the Virginia settlement assured of its future, but what was even of greater importance for the later history of the royal colonies in America, a precedent was set according to which the people of any royal colony was assured of their right to share in the making of laws, the levying of taxes, and the taking into consideration those many other things, chiefly of a local and prudential nature, that meant most to men two and three hundred years ago. As the result of fifteen years indecision on the part of the crown and of action on the part of the colony, the principle was finally laid down that a royal colony should be, in part at least, a self-administering community, with a governor and council appointed in England and a representative assembly chosen by the freemen or freeholders in the colony. Though self-government was in no sense of the word democratic government and though popular interest in lawmaking was never very keen during colonial times, nevertheless the very presence of such a gathering in a royal British colony in America was a factor of vast consequence in the development of American political practices.

EARLY MEETING PLACES

For 20 years before 1639 the General Assembly had been functioning in Virginia, but there was as yet no especially designated building to house this body. The colony was still without a capitol building—still without a statehouse. The explanation for this fact may lie, in part, in the early insecurity and uncertainty of the assembly itself, for it should be remembered that at an early date provisions had been made only for

accommodating the permanent features of the colony, such as church and governor.

It was natural that the first meeting of the burgesses should take place in the church at Jamestown. Here was ample space, and it was the most convenient place. Without doubt, the church was considered a fitting place for the beginning of popular control in the colony. The church then standing was not that erected in 1607, rather it was a later building. Fire and frail construction meant short life for most of the early buildings at Jamestown.

For some years after 1619 the burgesses evidently continued to hold their sessions in the church. At the first meeting a precedent had been set for later meetings here. Besides, it seems that the church continued to be the best and most convenient place of meeting. In the winter of 1631–32 divine service and the meeting of the assembly were both identified with the same room. This is apparent from a quaint order that reflects the spirit of the time:

It is ordered, That all the counsell and burgisses of the assembly shall, in the morninge, be present at devine service, in the roome, where they sitt, at the third beatinge of the drum, an hower after sun rise, uppon the penaltie of one shillinge to the benefit of the marshall at James Citty; and if any shall absent himselfe from the assembly, to pay 2s. 6d. to the same use; and if any shall after neglect, to be fined by the whole bodie of the assembly.

After this date there is strong indication that some of the sessions of the burgesses convened in the Governor's house at Jamestown. As early as the time of Sir Thomas Gates (1611–14) there was a house at Jamestown set aside as the Governor's residence. Before 1618 this building had been repaired and enlarged. It was to his house that the Governor called his council for periodic meetings to act on affairs of the colony. The "Counsell Chamber" mentioned in the minutes of the General Court of the colony (the Governor and his councilors) in 1625 must have been in reference to some designated place in the Governor's house. The council records of this period form good proof that separate meetings for the transaction of its several kinds of business had not become necessary. Executive and judicial items were passed on in a single session. In matters of legislation the council convened with the burgesses as a part of the assembly. When, in the early years after 1619, there was no assembly the Governor and council acted alone in these matters.

Council meetings, it would seem, continued to be held in the Governor's house, whether he was residing in his official or his private home. It was not until the arrival of Sir William Berkeley in 1641 that the home authorities felt it necessary to order that provisions be made for a place for council meetings, especially when the council was sitting as the

General Court for “dispatching of public affairs and hearing of causes.” It can readily be understood that the Governor was at considerable expense, since his house was the center of colonial government with its council meetings, court meetings, and even, on occasion, assembly meetings. Aside from all of this he was the host to all important visitors of state to Jamestown. In May of 1632 it caused Sir John Harvey, then Governor of the colony, to protest in pleading terms to the Lords Commissioners in England:

. . . I conclude with my humble prayers unto your honours to take into your compationate cares my nowe almost three years service upon the place without any meanes or annual entertainment to support me great expence, who may be as well called the hoste as gouvernor of Virginia, all the country affayres being prosecuted at my house in James Island where is no other hospitalitie for all commers, and if some speedie remedie and reliefe be not found for me, not onlie my creditt but hart will breake, . . .

In the winter of 1636–37 the subject of a separate statehouse appears to have been approached for the first time with practical definiteness. The English Government in instructions to John Harvey directed him to see that the assembly take steps to build a capitol. In a letter written by Richard Kemp, secretary of the colony, in April 1638, it is stated that a tobacco levy had been fixed for building a statehouse at James City and that George Menifie, a prominent colonist, had been sent to England with the funds to secure workmen to accomplish the project. Again in January 1640 the assembly laid a 2-pound levy for the statehouse. As events moved, however, the colony did not build a statehouse, rather it secured one already constructed.

JOHN HARVEY'S RESIDENCE

Governor Sir John Harvey, financially speaking, came upon evil days after he was replaced as Governor in 1639. In April 1640 the court in Virginia took action to provide for Harvey's creditors, promising sale of his property. The next month Harvey arranged to have his estate in York County and in Jamestown sold. It was on April 7, 1641, that the Governor, council, and burgesses for 15,700 pounds of tobacco purchased from him for the colony:

all that capital messuage or tenement now used for a court house late in the tenure of said Sir John Harvey, Knight, situate and being within James City island in Virginia with the old house and granary, garden and orchard, as also one piece or plot of ground lying and being on the west side of the said capital and messuage as the same is now enclosed.

In this manner the colony acquired what must have been a rather pretentious structure in Sir John Harvey's residence, with another building adjoining. This place, enclosed by palings, as were many other homes in Jamestown, had a garden and orchard and on the west side some undeveloped land as well. In all, it must have been one of the better homes in town, in full conformity with the many regulations about fences, fruit trees, vines, and gardens.

Harvey's house, apparently a brick structure, was already old in associations, being locally known as the "capital messuage or tenement" and now in use as the courthouse. This indicates that the house was not new, but had seen some years of service. If this were not the case, there seems little reason for the description "old" in the order of transfer. Sir John Harvey came to Virginia in 1624 as one of the commissioners appointed by the King to report conditions in the colony. He became a councilor and soon acquired property at Jamestown in the New Town section where he had a residence. He left Virginia in 1625. Just what disposition he made of his property at that time is not clear. When he returned to Virginia in 1630, as Governor, he seemingly settled himself in another section of town.

In May 1630, Harvey was settled at "James cittie, the seate of the Governor." Some months later Harvey wrote to the home authorities emphasizing the needs of the colony and stressing the lack of carpenters, brickmakers, and bricklayers, especially since now "wee intend our houses for decencye and Comoditie." This indicates a determination to build good houses; and Harvey himself may have taken the lead. At least, in 1632 he had a fairly commodious and established place of abode. He spoke of it as the point where all the affairs of the colony were conducted, and as the sole point of hospitality "for all commers." The substance of this claim, with even greater emphasis, was repeated by Capt. Thomas Yong who visited Jamestown in 1634.

The charge of this gentleman [Governor Harvey] is extraordinary in regard that this seate of James Town hath in it no other place of receipt, but only the Governours owne house, wherein he is continually at excessive charges in his housekeeping, as well as entertayning the whole councill and their retinewes, which are not small, at all times, whensoever any occasions either of the King's or Countrye's service requires. Their attendance, and that sometimes for a weeke or fortnight, nay, sometimes for a month together, which meetings grow dayly more and more frequent, as the Colony increases in number and so consequently in buisnesse both for the State & Country; this house also is the randevouz of all sorts of strangers, who have any occasion of resort thither upon any buisnesse. . . .

Thus his house was the focal point of government and the center of social life at Jamestown.

Sir John Harvey, whether because of his personal nature, his own view or interpretation of government, or because of the severe opposition that confronted him, managed to become thoroughly disliked throughout the colony. His high handed and autocratic methods arrayed even his council against him. Eventually, in April 1635, a protest meeting was held in York County. This enraged Harvey, and he moved to take counter measures. It was to his house at Jamestown that he called a council meeting, only to find that his council would not approve the measures of reprisal that he recommended. During one of these council sessions Harvey was forced to realize that the wrath of the people had been aroused against him. He was a virtual prisoner in his own house, and his council no longer stood with him. This became clear when, while making a threat of arrest against some of the councilors, Dr. John Pott, one of the council, moved near to the door of the room and at a signal had about 50 armed musketeers appear from concealed positions back of the fence surrounding the house. Obviously, there was little that the Governor could do. Harvey himself reported this incident:

. . . That upon the 28 day of Aprill last which was the time when they were to meet for his Majesties said service, the said Mathewes, Utye, Farrer, Pearce, Minefie, and John Pott, came all armed and brought with them about 50 Musketeers, and besett mee in my owne house, which was the place which I appointed for our meeting . . . [Heated discussion followed] . . . upon this Uproare John Pott, (who by the said company was pleased [placed] at the doore of said house) with his hand gave a signe and immediately the Musketeers which before that time lay hid, came presently running with their pieces presented towards my house; and when one of my servants saw them coming so hastily towards my house, he asked the said Pott what the said Shott meant; he said unto him; Stirr not for your life; and when they were come neare to him, he said to the Musketeers: Stay there untill there be use of you; and there upon they retired again . . . nor had I meanes or power to raise any force to suppress this meeting they having restrayned me, and sett a guard upon me.

In the end the council moved to depose the Governor, naming John West to take over the post until the King's pleasure was known. A meeting of the assembly, in May, approved the work of the council, and Harvey was sent to England to answer charges placed against him there. In this he must have been successful, or perhaps the King wanted to vindicate his choice, for in 1637 Harvey returned to Virginia as Royal Governor. From this incident it is evident that Virginia's burgesses and council, when sufficiently aroused, stood ready to uphold the right of the people to order their own government.

Harvey returned early in 1637 and resumed his duties as Governor,



Interior of the first statehouse foundations looking from east to west. Note Dutch brick floor in lower right corner.

taking up residence in his own house. This presaged an attempt to inaugurate a period of development for Jamestown. The Governor reported in January 1638 that as a result of an act passed by the assembly in 1637 the secretary of the colony, Richard Kemp, had constructed a brick house, the “fairest” yet known in the colony; others had built framed houses and stores and much land had been patented. Evidently, Harvey continued to live in his own residence even after he was replaced as Governor in 1639. He was still living there in April 1640 when the court, arranging for the sale of his property, guaranteed to him the enjoyment of the premises of his house and grounds at Jamestown during his life. Just where he was on April 7, 1641, when the colony purchased this place, is not clear.

THE FIRST STATEHOUSE

In a relatively short time this double building, the western section of which became the first statehouse, was officially known as the capitol building. It was referred to in the land records and became a landmark at Jamestown. The fact that this structure had been used for court meetings before acquisition and had in all probability witnessed council meetings, even assembly meetings, over a period of years, may be the reason that it had already become fixed in the minds of the colonists.

The acquisition of this statehouse was merely a change in title and not so much one of actual use. It evidently remained the colony's statehouse for the next 14 years.

The colony did not long retain actual title to the statehouse. The assembly in June 1642 presented to the Governor, at that time Sir William Berkeley, as a free and voluntary gift the two houses and orchard belonging to the colony. It seems reasonable that the Governor should have a residence here, and it must have been understood that council and assembly should convene here on regular occasions. This apparently had been the case when Harvey was Governor, before the colony had officially acquired a single structure for use by the colony. As to the actual use of the building, such as distribution of space and rooms regularly designated for particular meetings, little is known. To this two-building structure, at some unknown date, Sir William Berkeley added a third. He added a brick house to the west end of the group, thus forming a brick structure made up of three separate and distinct sections. On March 30, 1655, Berkeley sold this to the then Governor, Richard Bennett, for 27,500 pounds of tobacco.

Evidently the first statehouse was burned, partially burned, or otherwise rendered unserviceable sometime in the early part of 1656, for in December of that year the assembly enacted legislation to cover the expense of the court and committees incurred when they met in privately owned buildings. Besides, an additional act set aside 20,000 pounds of tobacco to cover the cost of accommodating the "Governor and Council at James Cittie during quarter courts and Assemblies." Even before this legislation, however, there is evidence that another statehouse—the second statehouse—had been or was being provided.

From 1641 until 1656 it can be assumed that the first statehouse functioned as the center of government for the colony—the place where assemblies met, courts were held, and council sessions were called. Although considerable activity must have taken place before 1641, during the interval that followed all important events of the day must have been associated with this brick statehouse. From it must have come the "Remonstrance of the Grand Assembly" against the recharter of the old company in 1642, the repeated legislative acts to encourage western exploration, and heated reverberations of the Virginia-Maryland boundary dispute. Many routine matters must have been discussed here by the representatives of the colony—regulation of religious matters, the organization of the judicial system, the establishment of county boundaries, the authorization of ferries and bridges, regulation of trade (both internal and external), and taxation, to name but a few. Without doubt, the action against non-conformists in regard to church matters, that forced a later Governor and owner of the statehouse, Richard Bennett, to leave the colony, echoed here. It was in 1647 that the assembly passed a law requiring all ministers to read prescribed prayers, thus launching the at-

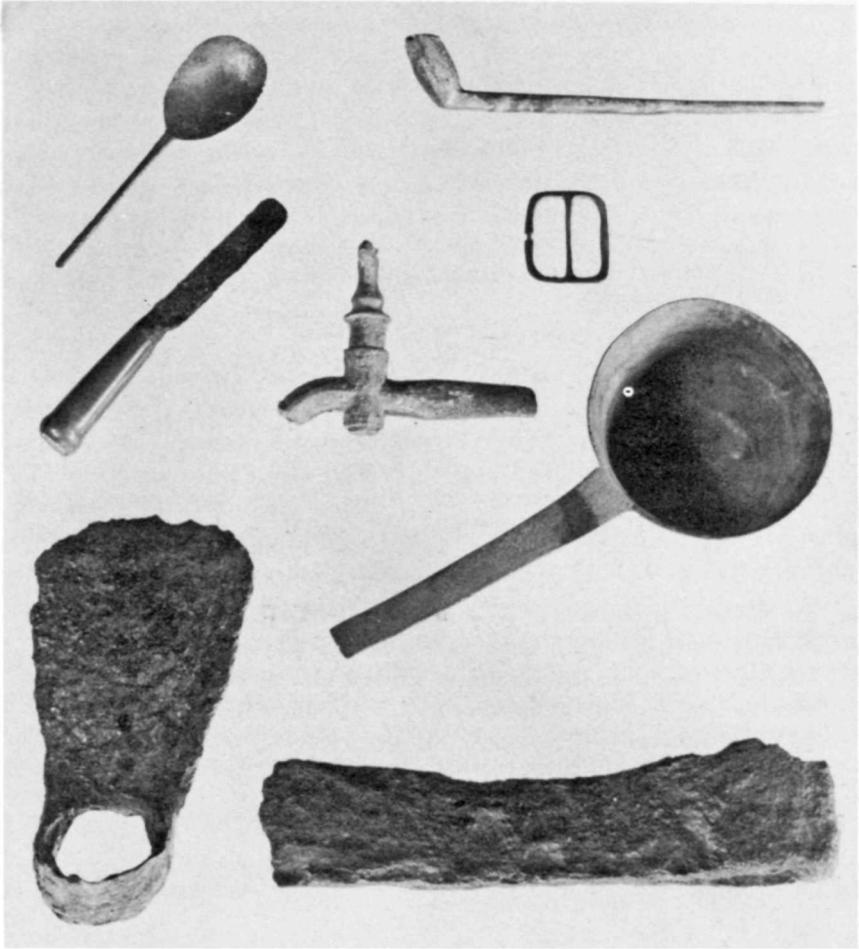


Detail of built-in oven in eastern section of the first statehouse.

tack. Perhaps the surrender of Virginia to the Parliament of England in 1652 was one of the most stirring events associated with this structure.

Sir William Berkeley was most loyal to the Crown, and the colony went far in supporting his position, yet in the end, when commissioners appointed by Parliament appeared before Jamestown in the ship *Guinea*, Virginia surrendered to the Commonwealth of England, despite Berkeley's plans for defensive measures. The terms arranged for the surrender were quite liberal. As agreed upon, Virginia was to enjoy all of her old privileges and to be free of taxes and customs, except such as were to be imposed by the assembly. In regard to popular control the colony had more freedom than heretofore. The assembly became the chief organ of the government with full power to name the Governor and his council. The assembly proceeded to name and elect Richard Bennett as Governor, with William Claiborne as Secretary of State, both men being adherents of Cromwell. While these momentous changes were taking place, the statehouse must have been the busiest spot in the colony.

This first Virginia statehouse also served as the official residence, and private home as well, of three well known Virginia Governors—Sir John Harvey, Sir William Berkeley, and Richard Bennett. Sir John Harvey, who served two terms as Governor in Virginia, is better known perhaps for his autocratic and arbitrary methods than for his more constructive accomplishments. Sir William Berkeley, an outstanding figure in the history of the colony, served long in Virginia and for much of the time



Objects among the many taken from the location of the first statehouse.

wisely. He came to the colony, a well traveled Oxford graduate, in 1642. He remained Governor until Virginia submitted to Parliament and then withdrew to his plantation at Green Spring, near Jamestown. In 1660 the assembly called him from retirement, naming him Governor for a second time. After the restoration, Charles II renewed his commission as Royal Governor. He was to remain as Governor until the events of Bacon's Rebellion would lead to his recall.

The third Governor to use and own a part of the statehouse group was Richard Bennett. He had come to Virginia in 1621 to take charge of his uncle's plantation in present Isle of Wight County, Virginia. In the colony he became active in political affairs and emerged as a councilor in 1639. He was a Puritan in sympathy, however, and in 1649 he felt it

necessary to leave Virginia because of his religious affiliations. He took up a short residence in the neighboring colony of Maryland and was later named as one of the commissioners for the reduction of Virginia. The assembly named him Governor, a post which he held from 1652 until March 1655. At that time he was sent to England as agent.

Even though the first statehouse ceased to function as the colony's capitol in 1656, the interesting history of the house did not cease. The place was renovated and again used as a residence until fire wrecked it in 1670. Linking the former owners with the later owners of this group of buildings, it reads like a register of old James River families: Harvey, Berkeley, Bennett, Woodhouse, Talbot, Bland, Marable, Randolph, Swan, Ludwell, Stegg, Bacon, and Sherwood.

It is from later transfers that it is possible to glean many of the known facts about the structure, such as its size, its use, how it was eventually destroyed, and the identification of the men who owned it. A short quotation from a deed of conveyance for the "westernmost" house of the group from Henry Randolph to Thomas Ludwell on April 7, 1671, will make this clear:

one messuage or tenement of brick building of 40 feet long and 20 feet wide being the messuage of Pt. [part] of that fabrick pile of building which contains three tenements, the middlemost whereof was the old State house which messuage was formerly in the occupation of Richard Bennett Esqr situate, lying and being on the river side in James city. . . .

DISCOVERY OF FOUNDATIONS OF FIRST STATEHOUSE

There was thus much precise factual material available regarding the statehouse before its ruins were found. It attracted considerable attention when at various intervals from 1932 to 1935, in piecemeal fashion, the foundations of a building were uncovered at Jamestown having three separate sections (an east, a west, and a middle section) located by the riverside and in the general area where it was thought the first statehouse was erected. Naturally, the supposition was that the ruins of this building had been found. When the architectural pattern of the building, as well as the relics and artifacts found in association with it, proved to be 17th century; and especially when dimensions checked very closely with known dimensions, the case was strengthened further.

It has been reported that as early as 1901, when Mr. and Mrs. Edward E. Barney, then owners of much of Jamestown Island, were conducting random explorations in the town site on the hunt for any relic or landmark to be found, they encountered the foundations of a building. This building proved to be that now identified as the first statehouse, although they were unaware of this identification at the time. The report is that they dug into the eastern section of the building, encountering a fireplace where there were fine feathery ashes still in place. In the center of the

fireplace was a three-legged pot containing bones, as if a meal had been stopped in the course of preparation.

In 1932 George C. Gregory conducted much more careful research at Jamestown. After studying the townsite, using what historical data he could collect, he tentatively concluded on the location of the statehouse. It was while exploring on the ground that he encountered the actual foundations of a building which he identified as that which he was seeking. His work was extended until he had exposed the general outline of the foundations and carried out limited excavations.

In 1934 Jamestown Island, excepting the area administered by the Association for the Preservation of Virginia Antiquities, became a part of Colonial National Historical Park. Within a short time a many-sided research program was launched including archeological study of the Jamestown townsite. The foundations of the first statehouse, as identified by Mr. Gregory, were completely excavated between September 1934 and February 1935.

The foundations of a three-section structure approximately 40 feet long and 60 feet wide were uncovered, each section appearing as a building 40 feet long and 20 feet wide, with no visible connection with the others excepting common adjoining walls. One section was toward the east; one, toward the west; and between them was a middle section. The orientation and size conformed to known facts. This was only a part of the check of the actual remains with documentary facts. Architectural evidence indicated that the western section was not a part of the original house—the middle and east sections—but was a later addition. It will be recalled that Berkeley built a western section to the first statehouse. Still another fact is that the distance from the river to the building checked with that given in land records. After a close examination of the house the architect concluded that the plan was similar to the two-room type of 17th-century New England house, a plan based on the 17th-century English house. He continued, however:

The plan of this brick foundation by the shore of old Jamestown is unique in the annals of early American architecture. The writer has seen no other early plan even remotely resembling this one. For its prototype possibly one has to look across the ocean to those picturesque towns and villages of seventeenth century England where the dwellings stand row on row with their long sides adjacent.

With a preponderance of 17th-century materials, evidences of 17th-century workmanship and plan, and many 17th-century relics, there was left little room to doubt the early construction of this "stack" of buildings. Originally, it stood a row of brick buildings done in English bond, joined on their long side and having a tile roof and casement windows.

The interior arrangement of each section is essentially the same. There are two rooms in each, divided by fireplaces and foundations of

fireplaces set back to back. One room has an oval-shaped brick oven, probably used for baking. A passageway connects the two rooms of each section, yet the sections themselves appear unconnected from the inside. These brick paved basement rooms, one paved with Dutch bricks laid on edge, the others with English bricks, are each connected with the outside by brick steps leading to the ground level. Charred sills and blackened roof tile indicate destruction by fire. Plaster fragments, still clinging to the otherwise bare walls, indicate that once these rooms were plastered.

In and around the house many things were uncovered—fire tongs, ladles, a hatchet, candle snuffers, a napkin ring, a chamber pot, dishes, jugs, vases, bottles, and pipes. Objects such as these indicate long use of the building as a residence. Much hardware was found associated with the structure. There were many pairs of hinges, some showing the Dutch influence, some like those in use in 17th-century England, and half a “cock’s head” hinge dating in design from early Roman times. Many pintles still remained in the eyes of the hinges. Two fragments of wrought iron lattice casement windows were found in the ruins. They closely resembled those in use in England at the time. Glass fragments all around were mostly of an olive-green color. Some of the fragments when fitted together formed diamond-shaped window panes. One casement window latch, or fastener, came to light. There were many locks and lock fragments, one of them a heart-shaped cabinet lock and one, a 12-inch lock bolt. A cross-shaped keyhole dominates one lock-plate.

Interior wall of first statehouse foundations showing plaster fragments.



There were hand-made nails in quantity, along with hooks, footscrapers, spikes, and staples. Some paving tile was unearthed and an abundance of roofing tile, some rounded, some curved, ranging in color from chocolate brown to light yellow or cream. The plaster fragments on the walls were of poor quality oyster-shell lime and marl. It all paints a vivid picture of 17th-century workmanship, materials, design, and architecture in general.

From design and use the statehouse must have been for many years one of the best known and most frequently used buildings in the town. While serving as the statehouse it became a landmark, and for almost a quarter of a century after it reverted to exclusive private use; in fact, even after its final destruction it was still thought of as such. For much more than a decade it satisfied the major needs of the assembly. By 1656, when the building was no longer in use as a statehouse, the assembly, born in 1619, had proceeded well on its course of evolution as a major feature of colonial government.

It seems apparent that by the close of this period Virginia's General Assembly had become a bicameral body in reality as well as in theory, each body meeting and acting separately. The upper house, the council, named by the King, was nominally limited in membership to men of wealth and position. In this house had come to rest the powers of concurrence, rejection, or amendment of the laws originating in the lower house, the House of Burgesses. The lower house, made up of representatives apportioned to the counties and elected now by limited franchise, possessed the real legislative power. The tendency was for each locality to send its best and most influential men to the assembly. These men, jealous of their rights, had already with dogged determination claimed and held, for the most part, the power over taxation, the right of passing on their own members, and the right of certain freedom from arrest for burgesses while the assembly was in session. Since Virginia was a new country, wealth was limited, and the burgesses, unlike the members of the House of Commons in England, the model for the Virginia body, ordered their expenses paid during assembly meetings. Philip Alexander Bruce, speaking of these early legislators, had this to say:

Although the Burgesses were distinguished by a strong spirit of loyalty to England and the throne, nevertheless they had a clear conception of their rights, and never lacked the courage to maintain them against even the King himself.

In organization the House of Burgesses had developed many of the features common to similar bodies today. Although still in evolution the house by 1656 had many of the officers and committees necessary to a legislative body. The speakership was by far the leading office, and it was normally filled by selection in the house. The clerk likewise owed his selection to the burgesses. Other officers included a sergeant-at-



Earthenware baking dish, crock, three-legged dish, glass wine bottle, and slipware cup or mug, uncovered during the excavation of the first statehouse.

arms, doorkeepers, and a chaplain. Committees, used even in the first assembly, came to include the committee for private causes, that for the review of acts, that of the levy, and others whenever necessary. Much of the legislative work was done in committee.

The acts of the assembly became the law of the land when approved by the Governor. If enactments later were annulled in England that then nullified their continued operation in the colony. As early as 1631, it was required that the acts of the assembly be published in one form or another in all parts of the colony so that all could know the terms of new legislation.

It was in the period of the Commonwealth that the power of the house reached its zenith in the 17th century. At this time the house managed the affairs of the colony with few instructions from the mother country. Appointment of both the Governor and his council rested here, and so extreme were the claims of this body that it denied the long established right of the Governor to dissolve it. In one instance, in electing a Governor, the burgesses formally declared that they invested him with all rights and privileges incidental to the position. In 1656 the assembly went so far as to appoint all the justices of the county courts and the principal military officers, hitherto one of the usual prerogatives of the Governor.

After the restoration of royal authority in 1660, there was a lessening of the power held by the burgesses, yet the development of this body continued. The significance and importance of the elected representatives of the people never faded from public conscience. Attempts to curb their power came from time to time, yet from these struggles they emerged victorious for the most part. In the first half century of its history, the colony of Virginia had developed a full-fledged assembly with an elected chamber where great legislative power rested. Much of this early development was associated with the colony's first capitol building—its first statehouse. Truly this structure stands as a landmark in the growth of popular government and democracy in America.

LATER STATEHOUSES

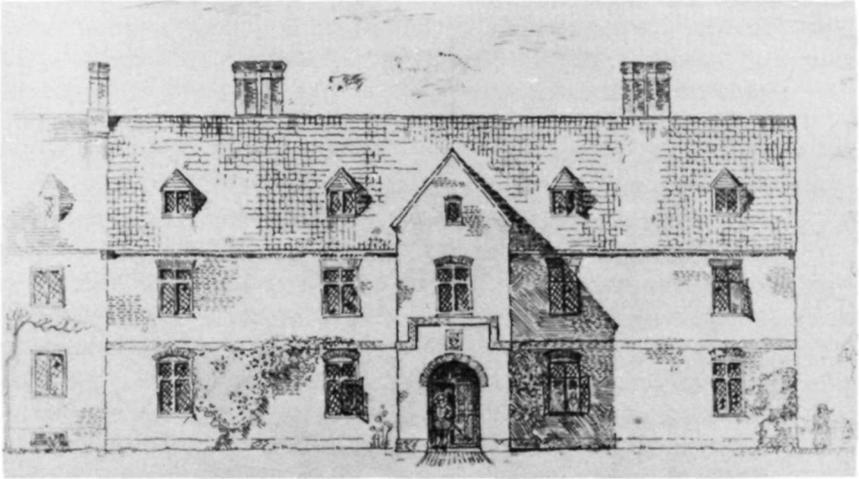
Accommodations for the functioning of the established government of the growing colony were now an accepted public obligation. This included the maintenance of a statehouse (capitol building) or the rental of space in private homes, taverns, or elsewhere.

The Second Statehouse

It is from the record of a payment to Thomas Woodhouse, a tavern keeper at Jamestown, "for the quarter courts [general court] setting at his house two courts and for the committee's accommodation," that it is possible to fix the burning of the first statehouse as prior to June 1656. There are no rental payments recorded between December 1656 and October 1660 indicating, perhaps, that the second statehouse was functioning in this period. It seems clear that there was such a structure for it is specifically mentioned in a land patent of the period. It appears to have been a building purchased for the purpose and one that, like the first, was burned after some 5 years of use. It was located, it seems, in the main part of town yet some short distance north and west of the earlier structure and not directly on the riverfront. It was necessary, again, in October 1660 to rent space for the Governor and council from Woodhouse and quarters for the assembly from Thomas Hunt, another ordinary keeper—at a combined cost of 7,500 pounds of tobacco. Evidently rented quarters such as these were used as needed for the next several years.

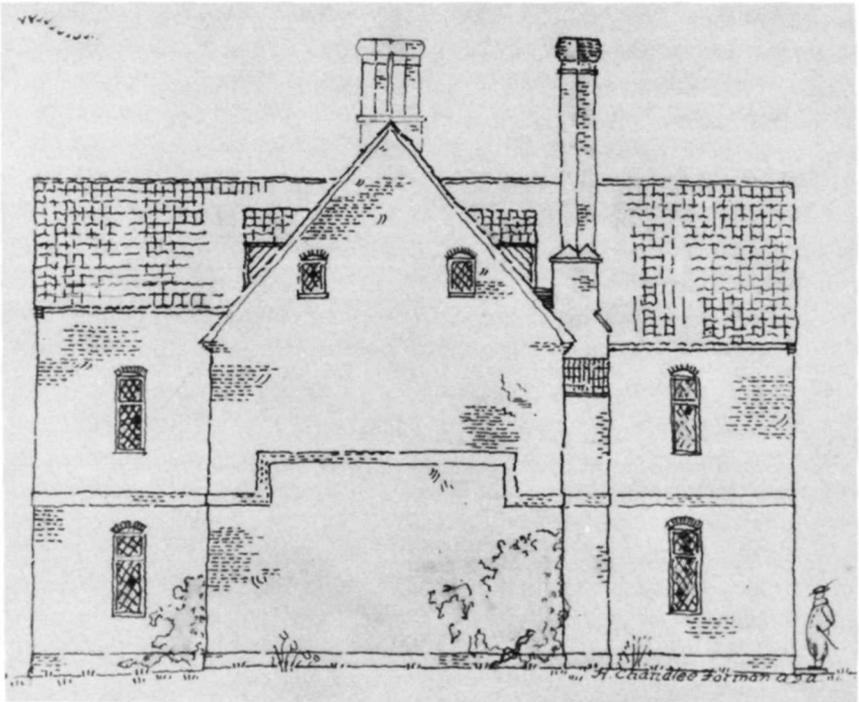
The Third Statehouse

In October 1660 the assembly requested Berkeley to contract for a new statehouse. In March 1661 a general subscription was initiated instead of a tax levy yet apparently this did not achieve its objective. With some disgust, and perhaps embarrassment, the Burgesses considered the matter again in 1663 with these comments:



South, or front, elevation of the third statehouse as drawn by Henry Chandlee Forman for the Virginia 350th Anniversary Commission. (Copyright applied for by the Commission.)

East elevation of the third statehouse as drawn by Henry Chandlee Forman for the Virginia 350th Anniversary Commission. (Copyright applied for by the Commission.)



Since the charge the country is yearly at for houses for the quarter courts and assemblies to sit in would in two or 3 years defray the purchase of a state house.

Whether it were not more profitable to purchase for that purpose then continue for ever at the expence, accompanied with the dishonour of all our laws being made and our judgments given in alehouses.

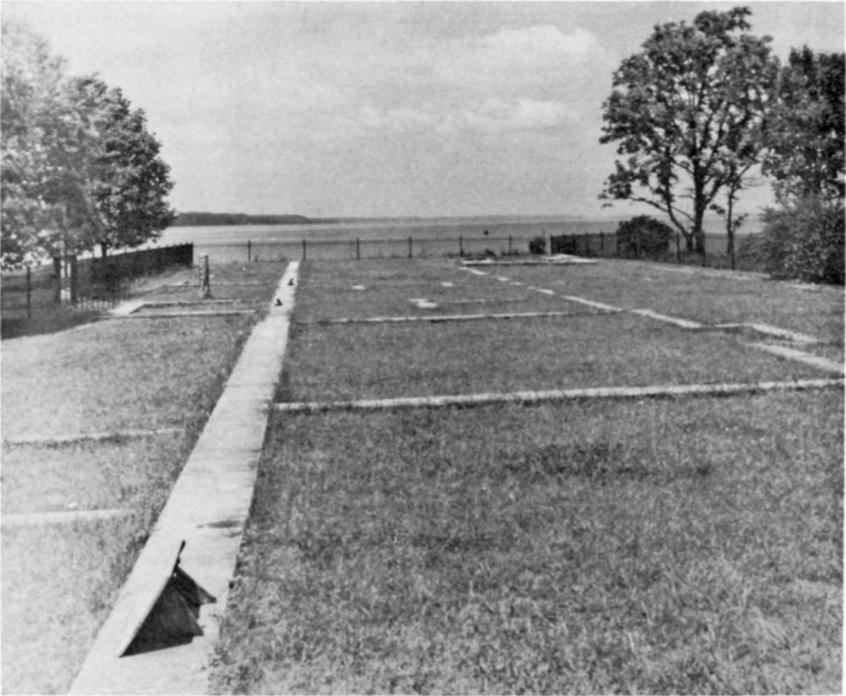
A committee was named to discuss the matter with the governor. Two years later a chance reference in a letter written by Thomas Ludwell on April 10, 1665, states that the colony "had already built enough to accommodate the affairs of the country." This and subsequent references have been taken to mean that Jamestown's third statehouse had been provided, was complete, and in use in 1665. As such it was the first to be planned and built as a statehouse, the others having been purchased from private owners. Its location was determined and its foundations laid bare by Col. Samuel H. Yonge, during excavations in 1903. This confirmed the site suggested by existing land records. It was built on a thin ridge of land near the western extremity of the town and consciously, or unknowingly, on the site of an extensive burial ground that had served the settlement in its early days.

The third statehouse was in use for a decade and its memory was made lasting by the events of Bacon's Rebellion. Those were stirring days that in the end saw Nathaniel Bacon, Jr., return and, in September 1676, apply the torch to much of Jamestown including its statehouse.

Like the first statehouse before it, the third was a part of a row of buildings being the inlandmost of a group of five structures all joined by common walls. It measured 74 by 20 feet. Little is known of the appearance of this significant structure and much that has been said about it is drawn in large part from the fact that the fourth statehouse is thought to have been raised on its foundations and to have used its existing remnants. A reexcavation of the site in 1954-55 yielded little in this respect beyond indicating that the third probably had a tile roof while the fourth had one of slate. Contemporary references indicate that the third was a two-story building and that the council chamber (and courthouse) was on the first floor with the assembly meeting on the second floor in "a long room."

The Fourth (and Last) Statehouse

In the 9-year interval after 1676 the colony was without a statehouse. For a time the assembly, as well as other governing units, met at Green Spring, the home of Governor Sir William Berkeley just 3 miles to the west of Jamestown. Then there was a return to the rental of quarters in homes and ordinaries at Jamestown. Capt. William Armiger, Mrs. Ann Macon, Henry Gawler, and William Sherwood are among those that profited in supplying accommodations for assembly, council, and committee work such rentals including "fire, candles and attendance."



Foundations of the last statehouse group in the Association for the Preservation of Virginia Antiquities grounds at Jamestown. The statehouse is in the foreground. Beyond it are the remains of three houses of Philip Ludwell and then the Country House which has been partly destroyed by the eroding waters of the James River.

It was in 1684 that the matter of building a new statehouse reached the point of specific action in the assembly. After discussion, debate, and some hesitation the decision was reached to rebuild on the same site occupied by the third statehouse and evidently to use any part of its remains that were sound. In 1677 “the walls of brick worke” were “yett standing.” In one view, at least, it was thought that they might “yet be serviceable.”

An order of the assembly made on December 4, 1685, clearly implies that Jamestown’s fourth, and last, statehouse was nearing completion. Payment was cleared (a substantial sum of £400) for Col. Philip Ludwell, “out of the Moneys accruing from the duty of three pence per gallon upon liquors,” for “rebuilding the State House.” It was not, however, entirely complete since Ludwell had to post bond “for the full compleating of the House in such manner as shall be fully satisfactory to his Excellency, the Council & the House of Burgesses . . .” The new building had been sufficiently along on October 1, 1685, that “Several of the Burgesses” met in it. It seemingly was fully operational in 1686.

It was a 2-story building. The ground floor was divided into two parts. One, the courthouse room, was used by the council, and was about 43 feet long. The other room, some 31 feet long, was probably a waiting room. On the second floor there was space for the burgesses and an office for the secretary of state, the latter in a "Porch Chamber" on the south. The assembly, needing the space for their clerk and not considering the secretary of state the proper officer to be so close to its deliberations succeeded in moving him. Space for the secretary was found on the lower floor by appropriating a part of the waiting room.

The fourth statehouse, like all of its predecessors, succumbed to fire. In October 1698, after some 13 years of use, flames destroyed it and very probably all of the structures adjacent to it. The following spring burgesses and councilors met again in private homes and in what space could be had at Jamestown. It was at this time that the decision was made to move the seat of government to a new location—to Williamsburg some 6 miles away. It was here that the assembly convened in 1700 and it was here that the next statehouse (now for the first time called the "Capitol") was constructed.

The 1698 fire which destroyed the fourth statehouse was of great concern to Jamestown for it was the immediate reason for the removal of the seat of government. It was this act that meant the end of "James City." With little activity left other than that associated with the government of the colony it could not, and did not, survive as an organized urban community for many decades beyond 1700. In its 92 years as Virginia's capital, however, it had been the scene of great events not the least of them being the slow unfolding and growth of a representative legislative assembly. This which began in 1619—*the first by Europeans in the western hemisphere*—was fast becoming a major instrument of government.

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APPENDIX I

MEMBERS OF THE FIRST ASSEMBLY IN 1619

- BOYS, JOHN—a representative for “Martin’s hundred.”
- BUCK, REVEREND RICHARD—officiating clergyman for the assembly.
- CAPP, WILLIAM—a representative for “Kiccowtan.”
- DAVIS,¹ THOMAS—a representative for “Capt. John Martin’s Plantation.”
- DOWSE, THOMAS—a representative for the “city of Henricus.”
- GIBBES, LIEUTENANT JOHN—a representative for “Captaine Warde’s plantation.”
- GOURGAING, EDWARD—a representative for “Argall’s guiffe.”
- GRAVES, CAPTAIN THOMAS—a representative for “Smythe’s hundred.”
- JACKSON, JOHN—a representative for “Martin’s hundred.”
- JEFFERSON, JOHN—a representative for “Flowerdieu hundred.”
- JORDAN, SAMUEL—a representative for “Charles city.”
- LAWNE, CAPTAIN CHRISTOPHER—a representative for “Captain Lawne’s plantation.”
- MAYCOCK, SAMUEL—a councilor.
- PAWLETT, CAPTAIN THOMAS—a representative for “Argall’s guiffe.”
- PIERCE, THOMAS—sergeant of the assembly.
- POLENTINE, JOHN—a representative for the “city of Henricus.”
- PORY, JOHN—speaker of the assembly and councilor.
- POWELL, CAPTAIN NATHANIEL—a councilor.
- POWELL, CAPTAIN WILLIAM—a representative for “James city.”
- ROLFE, JOHN—a councilor.
- ROSLINGHAM, ENSIGN EDMUND—a representative for “Flowerdieu hundred.”
- SHARPE, SAMUEL—a representative for “Charles city.”
- SHELLY, WALTER—a representative for “Smythe’s hundred.”
- SPENSE, ENSIGN WILLIAM—a representative for “James city.”
- STACY,¹ ROBERT—a representative for “Capt. Martin’s Plantation.”
- TUCKER, CAPTAIN WILLIAM—a representative for “Kiccowtan.”
- TWINE, JOHN—clerk of the assembly.
- WARDE, CAPTAIN JOHN—a representative for “Captaine Warde’s plantation.”
- WASHER, ENSIGN—a representative for “Captain Lawne’s plantation.”
- WEST, CAPTAIN FRANCIS—a councilor.
- YEARLEY, SIR GEORGE—Governor and councilor.

¹ The representatives for Martin’s plantation were not allowed to take their seats in the assembly.

APPENDIX II

PROCEEDINGS OF THE VIRGINIA ASSEMBLY, 1619*

(The first representative legislative assembly to convene in America.)

A Reporte of the manner of proceeding in the General assembly convened at James citty in Virginia, July 30, 1619, consisting of the Governor, the Counsell of Estate and two Burgesses elected out of eache Incorporation and Plantation, and being dissolved the 4th of August next ensuing.

First. Sir George Yeardley, Knight, Governour and Captaine general of Virginia, having sent his sumons all over the Country, as well to invite those of the Counsell of Estate that were absent 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 [Elizabeth City]

Captaine William Tucker,
William Capp.

For Martin Brandon—Capt. John Martin's Plantation¹

Mr. Thomas Davis,
Mr. Robert Stacy.

For Smythe's hundred

Captaine Thomas Graves,
Mr. Walter Shelley.

For Martin's hundred

Mr. John Boys,
John Jackson.

For Argall's guiffe

Mr. [Captaine Thomas] Pawlett,
Mr. [Edward] Gourgaing.

For Flowerdiu hundred

Ensigne [Edmund] Roffingham,
Mr. [John] Jefferson.

For Captaine Lawne's plantation

Captaine Christopher Lawne,
Ensigne Washer.

For Captaine Warde's plantation

Captaine [John] Warde,
Lieutenant [John] Gibbes.

*This is the text as given in Lyon G. Tyler (ed.), *Narratives of Early Virginia, 1606-1625*. Charles Scribner's Sons, New York, 1930.

¹ The representatives for Martin's plantation were not allowed to take their seats in the Assembly.

The most convenient place we could finde to sitt in was the Quire [choir] of the Church Where Sir George Yeardley, the Governor, being sett downe in his accustomed place, those of the Counsel of Estate ² sate nexte him on both hands 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 Sergeant, standing at the barre, to be ready for any service the Assembly shoulde comaund him. But forasmuche as men's affaires doe little prosper where God's service is neglected, all the Burgesses tooke their places in the Quire till a prayer was said by Mr. [Richard] Bucke, the Minister, that it would please God to guide and sanctifie all our proceedings 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 and due respecte towards the Lieutenant, [King James I] 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, and entred the Assembly. 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 would not be lawfull, or on Captain Martin's lande, and so he was but a limbe or member of him, and there could be but two Burgesses for all. So Captaine Warde was comanded to absent 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 Captaine Warde as having planted here in Virginia without any authority or comission from the Treasurer, Counsell and Company in Englande. But considering he had bene at so great chardge and paines to augmente this Colony, and 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 Comission for authorising the General Assembly admitteth of two Burgesses out of every plantation without restraunte or exception, Upon all these considerations, the Assembly was contented to admitt of him and his Lieutenant (as members of their body and Burgesses) into their society. Provided, that the said Captaine Warde with all expedition, that is to saye between this and the nexte general assembly (all lawfull impediments excepted), should procure from the Treasurer, Counsell and Company in England a comission lawfully to establish and 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 general assembly. To this Captaine 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 Governor himselfe alledged that before we proceeded any further it behooved us to examine whether it were fitt, that Captaine [John] Martin's Burgesses shoulde 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 such lawes as we must be enforced 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 and comaunde all suche person or persons as at this time he shall carry over with him, or that shalbe sente him hereafter, free from any comaunde of the Colony, excepte it be in ayding and assisting the same against any forren or domestical enemy.

Upon the motion of the Governor, discussed the same time in the assembly, ensued this order following:

² Councilmen present included Samuel Maycock, John Pory, Captain Nathaniel Powell, John Rolfe, and Captain Francis West.

An order of the General Assembly touching a clause in Captain Martin's Patent at James City, 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 Captain Martin's Patent 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 Burgesses and people might deride the whole company and chuse whether they would obey the same or no. It was therefore ordered in Courte that the foresaid two Burgesses should withdraw 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, if he would be contente to quitte and give over that parte of his Patente, and contrary thereunto woulde submitte himselfe to the general forme of government as all others did, that then his Burgesses should be readmitted, otherwise they were to be utterly 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 obeye or not.

Then came there in a complainte against Captain Martin, that having sente 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 Paspaeheighe, Gent. (as the said Thomas Davis deposed upon oathe,) that they had made a harde voiage, had they not mett with a Canoa [canoe] 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 corne with a baskett they had into the Shallop and (as the said Ensigne Harrison saith) giving them satisfaction in copper beades and other trucking stuffe.

Hitherto Mr. Davys upon his oath.

Furthermore 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 breede danger and loss 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 city, July 30, 1619.

It was also ordered by the Assembly the same day in case Captaine Martin and the ging [crew] of his shallop would not thoroughly answer an accusation of an outrage committed gainst a certaine Conoa of Indians in the baye, that then it was thought reason (his Patent notwithstanding, the authority whereof he had in that case abused) he should from henceforth take leave of the Governour as other men, and 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 sumon Captaine Martin to appeare before them in the forme following:

By the Governour and general assembly of Virginia.

Captaine Martine, we are to request you upon sight hereof, with all convenient speed to repair hither to James city to treatt and conferre wth us about some matters of especial importance which concerns both us and the whole Colony [and] yourself. And of this we praye you not to faile. James city, July 30, 1619.

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

These obstacles removed, the Speaker, who for a long time has 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 greate Charter, or commission of privileges, orders and laws, sent by Sir George Yeardley out of Englande. Which for the more ease of the Committies, having divided into fower [four] 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 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 expect nothing but our assente thereunto. To this we answer, that we did it not to the ende to correcte or controll anything 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 bind us and our heyers for ever.

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

- | | |
|----------------------------|-----------------------|
| 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:

- | | |
|--------------------|---------------------|
| 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 forenoon's assembly.

After dinner the Governour and those that were not of the Committies sate a second time, while the said Committies were employed in the perusal of those twoe bookes. And whereas the Speaker had propounded fower severall objects for the Assembly to consider on: namely, first the great charter of orders, lawes and privileges; Secondly, which of the instructions given by the Counsel in England to my Lo: La: warre [Delaware], Captain Argall or Sir George Yeardley, might conveniently putt on the habite of lawes; Thirdly, what lawes might issue out of the private concepte of any of the Burgesses, or any other of the Colony; and lastly, what petitions were fit to be sente home for England. It pleased the Governour for expedition sake to have the second objecte of the fower to be examined and prepared by himselfe and the Non-Committies. Wherein after having spente some three howers conference, the twoe 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 &c.) which 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 Committies, it was agreed, these Petitions ensuing should be framed, to be presented to the Treasurer, Counsel and Company in England. Upon the Committies perusal of the first book, the Generall Assembly doe become most humble suitors to their lordships and to the rest of that honble [honorable] Counsell and renowned Company, that albeit they have bene pleased to allotte unto the Governor to themselves, together with the Counsell of Estate here, and to the officers of Incorporations, certain lande [large?] portions of lande to be layde out within the limites of the same, yet that they woulde vouchsafe also, that 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 and coste, and so many yeares habitation be taken from them. And to the ende that no man might doe or suffer any wrong in this kinde, that they woulde favour us so muche (if they meane to graunte this our petition) as to sende us notice, what comission 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 and 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 behoofe and proffit as for the maintenance of the Counsel of Estate, who are nowe to their extream hindrance 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 all allowance they have allotted them of 200 G. a yeare may be more easily raised.

The thirde Petition humbly presented by this General Assembly to the Treasurer, Counsell and Company is, that it may plainly be expressed in the great Comission (as indeed it is not) that the antient Planters of both sortes, viz., suche as before Sir Thomas Dales' depart [departure] were come hither upon their owne chardges, and suche also as were brought hither upon the Companie's 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 begotten in Virginia, being the onely hope of a posterity, a single share a piece, and shares for their issues or for themselves, because that in a newe plantation it is not known whether man or woman be more necessary.

Their fourth Petition is to beseech the Treasurer, Counsell and Company that they would be pleased to appoint a Sub-Treasurer here to collect their rents, to the ende that 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 enioine the said Sub-Treasurer 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 Treasurer, Counsell and Company that, towards the erecting of the University and Colledge, they will sende, when they shall thinke it most convenient, workmen of all sortes, fitt for that purpose.

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

These are the general Petitions drawn by the Comitties out of the two former bookes which the whole general assembly in maner and forme above sett downe doe most humbly offer up and present to the honourable construction of the Treasurer, Counsell and Company in England.

These petitions thus concluded on, those twoe Comitties broughte me a reporte what they had observed in the two latter bookes, which was nothing else but that the perfection of them was suche as that they could finde nothing therein subject to exception, only the Governors 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 behooove us not to make as lardge distances between Plantation as ten miles, but for our more strength ande 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, 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 submissively thankful to almighty god, therefore so they commaunded the Speaker to returne (as nowe he doth) their due and humble thankes 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 debating of suche instructions given by the Counsell in England to several Governors as might be converted into lawes, the last whereof was the Establishment of the price of Tobacco, namely, of the best at 3*d* [3 shillings] and the second at 18*d* [18 pence] the pounce. At the reading of this the Assembly thought good to send for Mr. Abraham Persey, the Cape marchant [keeper of the public stores], to publishe this instruction to him, and to demaunde of him if he knewe of any impediment why it might not be admitted of? His answer was that he had not as yet received any suche order from the Adventurers of the ["Magazine"] in England. And notwithstanding he sawe the authority was good, yet was he unwilling to yield, till suche time as the Governor and Assembly had layd their commandment 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 article in the Instructions confirmed by the Treasurer, Counsell and Company in Englande at a general quarter court, both by voices and under their hands and the Comon seall, and given to Sir George Yeardley,

knight, this present governour, Decemb. 3, 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 punde [pound], and this shalbe your sufficient discharge.

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

At the same the Instructions convertible into lawes were referred to the consideration of the above named Committies, 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 Burgesses, deceased.

Munday, Aug. 2.

Captain John Martin (according to the sumons 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 himself to them both and indevoured to answeere some other things 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 Throckmorton's, Captain Christopher Lawnes and other men's 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 answeere was negative, that he would not infringe any parte of his Patente. Whereupon it was resolved by the Assembly that his Burgesses should have no admittance.

To the second order his answeere was affirmative, namely, that (his Patent notwithstanding) whensoever he should send in to the baye to trade, he would be contente to putt in security to the Governour for the good behaviour of his people towards the Indians.

It was at the same time further ordered by the Assembly that the Speaker, in their names, should (as he nowe doth) humbly demaunde of the Treasurer, Counsell and Company an exposition of this one clause in Captaine Martin's Patente namely, where it is saide That he is to enjoy his landes in as lardge and ample manner, to all intentes and purposes, as any lord of any manours in England dothe holde his grounde out of which some have collected that he might by the same graunte protecte men from paying their debts 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 manours in Englande. The Assembly therefore humbly beseeches their lordships and the rest of that Honble house 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 aswell of the one sorte as of the other respectively, be made with equal favour, and graunts of like liberties and imunities as neer as may be, to the ende that all complainte of partiality and indifferency 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 remove any such hindrance as may diverte out of the true course the free and publique current of Justice.

Upon the same ground and reason their lordships, together with the rest of the Counsell 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 etc., they shall finde any resistance [to] 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 Captaine Martin, for those ten shares allowed him for his personal adventure and for his adventure of L70 besides, doth claim 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 Committies appointed to con-

sider what instructions are fitt to be converted into lawes, brought in their opinions, and first of some of the general instructions.

Here begin the lawes drawen out of the Instructions given by his Majesties Counsell of Virginia in England to my lo: la warre [Lord Delaware], Captain Argall and Sir George Yeardley, knight.

By this present General Assembly be it enacted that no injury or oppression be wrought by the English against the Indians whereby the present peace might be disturbed and antient quarrells might be revived. And farther be it ordained that the Chicohomini 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 some newe injury.

Against Idlenes, Gaming, drunkenes and 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 renagate, though a freedman, it shalbe lawful for that Incorporation or Plantation to which he belongeth to appoint him a Mr [Master] to serve for wages, till he shewe apparant signes of amendment.

Against gaming at dice and Cardes be it ordained by this present assembly that the winner or winners shall lose all his or their winnings and both winners and loosers shall forfeite ten shillings a man, one ten shillings whereof to go to the discoverer, and the rest to charitable and pious uses in the Incorporation where the faulte is comitted.

Against drunkenness be it also decreed that if any private person be found culpable thereof, for the first time he is to be reprovved privately by the Minister, the second time publicly, the thirde time to lye in boltes 12 howers in the house of the Provost Marshall and to paye his fee, and if he still continue in that vice, to undergoe suche severe punishment as the Governour and Counsell of Estate shall thinke fitt to be inflicted on him. But if any officer offense in this crime, the first time he shall receive reproof from the Governour, the second time he shall openly be reprovved in the church by the minister, and the third time he shall first be comitted and then degraded. Provided it be understood that the Governour hath alwayes power to restore him when he shall in his discretion thinke fitte.

Against excesse in 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 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 and to live and labour amongst them, the Assembly who knowe well their dispositions thinke it fitte to enjoin, least to counsell those of the Colony neither utterly to reject 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 six 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 entertain them.

Be it enacted by this present assembly that for laying a surer foundation of the conversion of the Indians to Christian Religion, each towne, citty, Borrough, and particular plantation do obtaine unto themselves by just means a certine number of the natives' children to be educated by them in true religion and civile course of life—of which children the most towardly boyes in witt and graces of nature to be brought up by them in the first 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 ordain that yeare by yeare all and every householder and householders 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 subject to the censure of the Governour and Counsell of Estate. Provided always that the first yeare of every newe man this lawe shall not be of force.

About the plantation of Mulbery trees, be it enacted that every man as he is seatt

upon his division, doe for seven yeares together, every yeare plante and maintaine in growte six Mulberry trees at the least, and as many more as he shall think convenient and as his vurtue and Industry shall move 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 and the Councell of Estate.

Be it farther enacted as concerning Silke-flaxe, that those men that are upon their division or settled habitation doe this next yeare plante and dresse 100 plantes, which being founde a comodity, may farther be increased. And whosoever do faill in the performance of this shalbe subject to the punishment of the Governour and Councell of Estate.

For heme also both English and Indian and for English flax and Anniseeds, we do require and enioine all householders of this Colony that have any of those seeds to make troyal thereof the nexte season.

Moreover be it enacted by this present Assembly, that every householder doe yearly plante and maintaine ten vines untill they have attained to the art and experience of dressing a Vineyard either by their owne industry or by the Instruction of some Vignerone [vine dresser]. And that upon what penalty soever the Governor and Councell of Estate shall thinke fitt to impose upon the neglecters 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, each one being payde according to the quality of his trade and worke, to be estimated, if he shall not be contented, by the Governor and officers of the place where he worketh.

Be it further ordained by this General Assembly, and we doe by these presents enacte, that all contractes made in England between the owners of the lande and their Tenants and Servantes which they shall sende hither, may be caused to be duely performed, and that the offenders be punished as the Governour and Councell of Estate shall thinke just and convenient.

Be it established also by this present Assembly that no crafty or advantagious means be suffered to be put in practise for the inticing awaye the Tenants or Servants of any particular plantation from the place where they are seattered. And that it shalbe the duty of the Governor and Councell of Estate most severely to punish both the seducers and the seduced, and to returne these latter into their former places.

Be it further enacted that the orders for the Magazin [Company's storehouse] lately made be exactly kepte, and that the Magazin be preserved from wrong and sinister practises, and that according to the orders of courte in Englande all Tobacco and sasafra be brought by the Planters to the Cape marchant till suche time as all the goods nowe or heretofore sent for the Magazin be taken off their hands at the prices agreed on. That by this means the same going for Englande with one hande the price thereof may be uphelde the better. And to that 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 now complained of should be reformed and that for preventing of all Impositions save the allowance of 25 in the hundred proffitt, the Governor shall have an invoice as well as the Cape Marchant, that if any abuse in the sale of the goods be offered, wee upon Intelligence and due examination thereof, shall see it correctede. And for encouragement of particular hundreds, as Smythe's hundred, Martin's hundred, Lawnes' hundred, and the like, it is agreed that what comodities are reaped upon anie of these General Colonies, it shalbe lawefull for them to returne the same to their owne adventurers. Provided that the same comodity be of their owne growing, without trading with any other, in one entyre lumpe and not dispersed and that at the determination of the jointe stocke, the goods then remaining in the Magazin shalbe bought by the said particular Colonies before any other goods which shall be sente by private men. And it was moreover ordered that if the lady la warre [Delaware], the Lady Dale, Captain 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 only the acceptance and 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 only payde in Englande. Provided, in the third place, that if any other besides the Magazin have at any time any necessary comodity which the Magazine dothe wante, it shall and may be lawfull for any of the Colony to buye the said necessary comodity 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 lastly, that it may be lawfull for the Governor to give leave to any Mariner, or any other person that shall have any suche necessary comodity wanting to the Magazin to carrie home for Englande so muche Tobacco or other naturall comodities of the Country as his Customers shall pay him for the said necessary comodity or comodities. And to the ende we may not only persuade and incite men, but inforce them also thoroughly and loyally to aire 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 whereof 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 imediately be burnt before the owner's 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 man's private conceipt) were read and referred by halves to the same comitties which were from the beginning.

This done, Captaine William Powell presented to the Assembly a petition to have justice against a lewde and trecherous servante of his who by false accusation given up in writing to the Governor sought not only to gett him deposed from his government of James city and utterly (according to the Proclamation) to be degraded from the place and 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 business to the great loss and prejudice of the said Captaine, and for openly and impudently abusing his house, in sight both of Master and Mistress, through wantonnes with a woman servant of theirs, a widdowe, but also for falsely accusing him to the Governor both of Drunkennes and Theft, and besides for bringing all 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, and Saturday next following, and every of those dayes should be publicly whipped. Now, as touching the neglecte of his worke, what satisfaction ought to be made to his Mr [Master] for that is referred to the Governour and Counsell of Estate.

The same morning the lawes abovewritten, drawn out of the instructions, were read, and one by one thoroughly examined, and then passed once again the general consente of the whole Assembly.

This afternoon the comitties brought in a reporte, what they had done as concerning the thirde sorte of lawes, the discussing whereof spent the residue of that daye. Excepte onely the consideration of a petition of Mr. John Rolfe against Captaine John Martine for writing a letter to him wherein (as Mr. Rolfe alledgeh) he taxeth him both unseemly and amisse of certaine thinges wherein 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 know themselves. This Petition of Mr. Rolfe's was thought fitt to be referred to the Counsell of State.

Wednesday, Aug. 4th.

This daye (by reason of extreame heat, both paste and likely to ensue and by that means of the alteration of the healthes of diverse of the general Assembly) the Gover-

nour, who himself also was not well, resolved should be the last of this first session; so in the morning the Speaker (as he was required by the Assembly) redd over all the lawes and orders that had formerly passed the house, to give the same yett one 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] thoroughly discussed, which, together with the former, did now passe the laste and finall consente of the General Assembly.

A thirde sorte of lawes, suche as may issue out of every man's private conceipte.

It shalbe free for every man to trade with the Indians, servants onely excepted, upon paine of whipping, unless the Mr. [Master] will redeeme it off with the payment of an Angell [a coin], one-fourth parte whereof to go to the Provost Marshall one fourth parte to the discoverer, and the other moyty [part] to the publike uses of the Incorporation.

That no man doe sell or give any of the greater howes [hoses] to the Indians, or any English dog of quality, as a mastive, greyhound, bloodhounde, lande or water spaniel, or any other dog or biche whatsoever, of the Englishe race, upon paine of forfaiting 5s [shillings] sterling to the publike 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 held a Traytour to the Colony, and of being hanged as soon as the facte is proved, 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 Governor or comaunder of the same place acquainted therwith, upon paine of paying twenty shillings to the publike uses of the same Incorporation where the party delinquent dwelleth.

That no man shall purposely goe to any Indian townes, habitations or places or resortes without leave from the Governor or comaunder of that place wher he liveth, upon paine of paying 40s to publike uses as aforesaid.

That no man living in this Colony, but shall between this and the first of January nexte ensuing come or sende to the Secretary of Estate to enter his own and all his servants' names, and for what terme or upon what conditions they are to serve, upon penalty of paying 40s to the said Secretary of Estate. Also, whatsoever Mrs [Masters] or people doe come over to this plantation that within one month of their arrivall (notice being first given them of this very lawe) they shall likewise resort 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 grauntes and comissions, and for how long time and upon what conditions their servants (in case they have any) are to serve them, and that upon paine of the penalty nexte above mentioned.

All Ministers in the Colony shall once a year, namely, in the moneth of Marche, bring to the Secretary of Estate a true account of all Christenings, burials and mariages, upon paine, if they faill, to be censured for their negligence by the Governor and Counsell of Estate; likewise, where there be no ministers, that the comanders of the place doe supply the same duty.

No man, without leave of the Governor, shall kill any Neatt cattle [cattle, as distinguished from horses, sheep, goats, etc.] whatsoever, young or olde, especially kine, Heyfurs or cow-calves, and shalbe careful to preserve their steers and oxen, and to bring them to the plough and such 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 neighbors' boates, oares, or canoas [canoes] without leave from the owner shalbe helde and esteemed as a felon and so proceeded againste; tho hee that shall take away by violence or stelh any canoas or other things from the Indians shall make valuable restitution to the said Indians, and shall forfait, if he be a freeholder, five pound; if a servant, 40s, or endure a whipping; and anything under the value of 13d shall be accounted Petty larceny.

All ministers shall duely read divine service, and exercise their ministerial function according to the Ecclesiastical lawes and orders of the churche of Englande, and every Sunday in the afternoon shall Catechize suche as are not yet ripe to come to the Com. [Communion]. And whosoever of them shalbe found negligent or faulty in this kinde shalbe subject to the censure of the Governor and Counsell of Estate.

The Ministers and Churchwardens shall seeke to presente all ungodly disorders, the comitters wherofe if, upon goode admontions and milde reproof, they will not forbear the said skandalous offenses, as suspicions of whordomes, dishonest company keeping with weomen and 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 Incontincy or of the comission of any other enormous sinnes, that then he or shee be presented by the Churchwardens and suspended for a time from the churche by the minister. In which Interim if the same person do not amende and humbly submit him or herself to the churche, he is then fully to be excommunicate and soon after a writt or warrant to be sent from the Governor for the apprehending of his person ande 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 [September 29], of the nativity of our saviour [December 25], of the Annuntiation of the blessed Virgine [March 25], and about midsomer [June 24], at James citty or any other place where the Governor shall reside, to determine whom it is fitt to excommunicate, and that they first presente their opinion to the Governor ere they proceed to the acte of excommunication.

For the reformation of swearing, every freeman and Mr. [Master] of a family after thrise admontion shall give 5s or the value upon present demaunde, to the use of the church where he dwelleth; and every servant after the like admontion, excepte his Mr. discharge the fine, shalbe subject to whipping. Provided, that the payment of the fine notwithstanding, the said servant shall acknowledge his faulte publicly in the Churche.

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 pass by, either by day or by night, without touching first here at James citty to knowe whether the Governor will comande him any service. And the like shall they performe that come from Kicawtan ward, or from any place between this and that, to go upwarde, upon paine of forfaiting ten pound sterling a time to the Governor. 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 Governor's 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 Governor's license, and without putting in security that neither himself nor his Company shall force or wrong the Indians, upon paine that, doing otherwise, they shalbe censured at their returne by the Governor 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 every one that shall transgresse this lawe shall forfaicte three shillings a time to the use of the churche, all lawful and necessary impediments excepted. But if a servant in this case shall wilfully neglecte his Mr's [Master's] 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 of her Mr or Mrs [Mistress], or of the magistrate 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 Governor and Counsell of Estate.

Be it enacted by this present assembly that whatsoever servant hath 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 depart from his Mr 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 servant's arrival here, he shall first serve out his time with that Mr that brought him hither and afterward also shall serve out his time with his former Mr according to his covenant.

Here ende the lawes.

All these lawes being thus concluded and consented to as aforesaid Captaine Henry Spellman was called to the barre to answere to certaine misdemeanors layde to his chardge by Robert Poole, interpetour, upon his oath (whose examination the Governour sente into England in the *Prosperus*), of which accusations of Poole some he acknowledged for true, but the greatest part he denyed. Whereupon 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 Poole's meeting with him in Opochancano's courte. Poole chardgeth him he spake very unreverently and maliciously against this present Governour, whereby 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, and 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 much disesteem, both with Opochancano and the Indians, and the whole Colonie in danger of their slippery designes.

The general assembly upon Poole's testimony onely not willing to put Spelman to the rigour and extremity of the lawe which might, perhaps both speedily and deservedly, have taken his life from him (upon the witness of one whom he muche excepted against) were pleased, for the present, to censure him rather out of that his confession above written then out of any other prooffe. Several and sharpe punishments were pronounced against him by diverse of the Assembly, But in fine the whole courte by voices united did encline to the most favorable, which was that for this misdemeanour he should first be degraded of his title of Captaine, at the head of the troupe, and should be condemned to performe seven years service to the Colonie in the nature of 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 offenses, nor yet any thankfulness to the Assembly for their sofavorourable censure, which he at one time or another (God's grace not wholly abandoning him) might with some one service have been able to have redeemed.

This day also did the Inhabitants of Paspasheigh, alias Argall's towne, present 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 lb. [pounds sterling] and to Captain William Powell, at Captaine Argall's appointment, for the payment of 50 lb. more. To Captain Argall for 15 skore acres of woody ground, called by the name of Argal's towne or Paspasheigh; 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 presents (at the Instance of the said Inhabitants of Paspasheigh, alias Martin's hundred people) become most humble sutours [suitors] to the Treasurer, Counsell and Company in England that they wilbe pleased to gett the said bondes for 600 lb. to be cancelled; forasmuche as in their great comission they have expressly and by name appointed that place of Paspasheigh for parte of the Governour's lande. And wheras Captain William Powell is payde his 50 which Captain Argall enjoined the saide Inhabitantes to presente him with, as parte of the bargaine, the general assembly, at their intreaty, do become sutours on their behalfe, that Captaine Argall, by the Counsell and Company in England, may be compelled either to restore the said 50 lb. from thence, or else that restitution thereof 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 general Assembly that in regard 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 and 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 Generall 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 thereto 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 and sergeant of the Assembly, according to their degrees and ranks, the whole bulke whereof to be delivered into the Speaker's handes, to be divided accordingly. And in regarde the Provost Marshall of James city hath also given some attendance upon the said General 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 comaunded the Speaker (as nowe he doth) to present their humble excuse to the Treasurer Counsell and Company in England for being constrained by the intemperature of the weather and the falling sick of diverse of the Burgesses to breake up so abruptly—before they had so much as putt their lawes to the ingrossing. This they wholly comited to the fidelity of their speaker, who therin (his conscience telles him) hath done the parte of an honest man, otherwise he would be easily 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 seconde 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 Achievements, hoping their courtesy will accept our poor endeavour, and their wisdomes wilbe ready to supporte the weakness 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 make, and that it is their right so to doe, yet that it would please them not to take it in ill parte of these lawes which we have now brought to light, do passe currant and be of force till suche time as we may knowe their farther pleasure out of England: for otherwise this people (who nowe at length have gotten 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 and 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 and 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 sune Sir George Yeardley, the Governour prorogued the said General Assembly till the firste of Marche, which is to fall out this present yeare of 1619, and in the mean season dissolved the same.

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EDWARD CHANNING,
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MATTHEW PAGE ANDREWS,
Virginia, the Old Dominion.